

TUESDAY, APRIL 23, 1996

EIGHTY-EIGHTH LEGISLATIVE DAY

The House met at 1:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Edwin R. Alexander, Mt. Zion Baptist Church, Bethel Springs, Tennessee.

Representative Rinks led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 243: Rep(s). Pruitt as prime sponsor(s).

House Joint Resolution No. 590: Rep(s). Eckles as prime sponsor(s).

House Joint Resolution No. 591: Rep(s). Eckles as prime sponsor(s).

House Joint Resolution No. 594: Rep(s). Eckles as prime sponsor(s).

House Joint Resolution No. 595: Rep(s). Eckles as prime sponsor(s).

House Joint Resolution No. 596: Rep(s). Eckles as prime sponsor(s).

House Joint Resolution No. 612: Rep(s). McDonald as prime sponsor(s).

House Joint Resolution No. 621: Rep(s). Eckles as prime sponsor(s).

House Joint Resolution No. 622: Rep(s). Eckles as prime sponsor(s).

House Joint Resolution No. 623: Rep(s). Eckles as prime sponsor(s).

House Bill No. 47: Rep(s). Cole(Dyer) as prime sponsor(s).

House Bill No. 177: Rep(s). Duer as prime sponsor(s).

House Bill No. 2484: Rep(s). Armstrong and Tindell as prime sponsor(s).

House Bill No. 2664: Rep(s). Jones R (Shelby) as prime sponsor(s).

House Bill No. 2670: Rep(s). Beavers, Hassell, Haley as prime sponsor(s).

House Bill No. 2776: Rep(s). Langster as secondary sponsor(s).

House Bill No. 2819: Rep(s). Brooks as prime sponsor(s).

House Bill No. 2895: Rep(s). Peach as prime sponsor(s).

House Bill No. 2928: Rep(s). Walley as prime sponsor(s).

House Bill No. 2946: Rep(s). Phelan, Givens, Purcell, Brooks, Lewis, Walley, Gunnels, Williams(Union), Newton, Fowlkes, Fitzhugh, Naifeh, White and Williams(Williamson) as prime sponsor(s).

House Bill No. 3294: Rep(s). Chumney as prime sponsor(s).

House Bill No. 3090: Rep(s). Williams(Union) as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Stamps was/were removed as sponsor(s) of **House Bill No. 1625**.

PERSONAL ORDERS

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 598 out of order, which motion prevailed.

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House Joint Resolution No. 598 -- Memorials, Public Service - Honors Representative John T. Bragg. by *Naifeh, *Purcell, *DeBerry L, *Rhinehart.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Purcell, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

CHAIR TO RINKS

Mr. Speaker Naifeh relinquished the Chair to Rep. Rinks.

RECOGNITION

Rep. Rinks recognized Speaker Naifeh and Rep(s). DeBerry, L, Purcell, Ridgeway, Kisber, and Head in the Well for comments and to introduce Rep. Bragg for remarks.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 25, 1996:

House Resolution No. 277 -- Memorials, Academic Achievement - Vicki Cunningham. by *Williams (Union).

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House Resolution No. 278 -- Memorials, Personal Occasion - John and Lue Armstead, 50th Wedding Anniversary. by *Jones R (Shelby).

House Resolution No. 279 -- Memorials, Interns - Joshua E. Perry. by *Bittle.

House Resolution No. 280 -- Memorials, Interns - Michael Craig Reavis. by *Bittle.

House Resolution No. 281 -- Memorials, Retirement - Carl L. Lamon. by *Jones U (Shelby).

House Resolution No. 282 -- Memorials, Recognition and Thanks - Fallen Water Farm and Fallen Water Festival at Luttrell. by *Williams (Union).

House Resolution No. 283 -- Memorials, Recognition and Thanks - Leon Harvey. by *Williams (Union).

House Resolution No. 284 -- Memorials, Academic Achievement - James Bailey, Jr., Salutatorian, Fayette-Ware High School. by *Naifeh.

House Resolution No. 285 -- Memorials, Academic Achievement - Andrea N. Graves, Valedictorian, Fayette-Ware High School. by *Naifeh.

House Resolution No. 286 -- Memorials, Academic Achievement - Jennifer Coats, Salutatorian, Covington High School. by *Naifeh.

House Resolution No. 287 -- Memorials, Academic Achievement - Houston Nathan Gordon, Valedictorian, Covington High School. by *Naifeh.

House Resolution No. 288 -- Memorials, Interns - Shawn Barron Thomason. by *Hicks.

House Joint Resolution No. 626 -- Memorials, Congratulations - Leawood Baptist Church. by *Joyce, *Chumney.

House Joint Resolution No. 627 -- Memorials, Sports - Tennessee Jr. Rodeo Association State Finals Week. by *Rinks.

House Joint Resolution No. 628 -- Memorials, Interns - Ebony Janee' Anderson. by *Brooks, *Miller L, *Towns, *Bowers, *DeBerry J, *Jones R (Shelby), *Pruitt.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 25, 1996:

Senate Joint Resolution No. 478 -- Memorials, Recognition and Thanks - Tennessee State Liar's Contest. by *Springer.

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Senate Joint Resolution No. 504 -- Memorials, Interns - Alvin Jay Williams. by *Cohen.

Senate Joint Resolution No. 506 -- Memorials, Congratulations - Ed "Apollo" Harlan, Winner of the Second Annual Mule Day Chariot Races. by *Jordan.

Senate Joint Resolution No. 507 -- Memorials, Interns - Staci Ann Myers. by *O'Brien.

Senate Joint Resolution No. 509 -- Memorials, Public Service - Roy Messer. by *Wallace.

Senate Joint Resolution No. 510 -- Memorials, Recognition and Thanks - Sister Kiwanis "Kitty" Hockett, Born Again Church. by *Harper.
Death - Ila Morgan Gooch. by *Wallace.

Senate Joint Resolution No. 512 -- Memorials, Death - Nelle Mize Wallace. by *Wallace.

Senate Joint Resolution No. 513 -- Memorials, Public Service - Charles Wesley "Charlie" DuRall, Senate Sergeant-At-Arms. by *Hamilton.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2513** -- Workers' Compensation - Requires all subcontractors and those engaged in the construction industry to carry workers' compensation insurance regardless of size. Amends TCA Title 50, Chapter 6. by *Person, *Crowe.

***Senate Bill No. 927** -- Pari-mutuel Betting - Authorizes local government to call referendum on whether pari-mutuel betting on horse racing will be permitted at satellite simulcast teletheaters located in such local government. Amends TCA 4-36-103, 302, 303, 306(b)(2), (3), 401. by *Ford J.

***Senate Bill No. 1945** -- Pensions and Retirement Benefits - Increases military credit from one day of service for two days of military service to day for day credit for the first year and one day of service for two days of military service thereafter. Amends TCA Title 8, Chapter 34, Part 6. by *Crutchfield.

***Senate Bill No. 2165** -- Taxes, Hotel Motel - Exempts Williamson County from prohibition of municipalities enacting hotel motel tax if county levies tax prior to adoption by city. Amends TCA Section 67-4-1425. by *Jordan.

***Senate Bill No. 2188** -- Education - Changes from 45 to 60 number of days allowed for filing objection on state board action under career ladder process. Amends TCA Title 49, Chapter 5, Part 50 through 56. by *Womack.

***Senate Bill No. 2232** -- Taxes, Real Property - Establishes 100 percent property tax exemption for property on National Register of Historic Places, owned by charitable institution, rented less than 120 days a year for two day events; proceeds from rentals used to maintain and upkeep property; applies to Ossili Circle in Knoxville. Amends TCA Title 67, Chapter 5, Part 2. by *Gilbert.

***Senate Bill No. 2235** -- Election Laws - Authorizes extended hours for early voting period for municipal elections in Memphis, Nashville, Knoxville, and Chattanooga Amends TCA Title 2, Chapter 6. by *Gilbert.

***Senate Bill No. 2253** -- County Officers - Adds position of vice chair to county boards of equalization. Amends TCA Title 67. by *Ford J, *Ford J, *Koella.

***Senate Bill No. 2528** -- Medicine, Practice of - Specifies state board of medical examiners as independent board. Amends TCA Section 4-3-101, 111, 112, 122, 1008 and 1703; Section 8-30-202 and 209; Title 9, Chapter 4, Part 2; Section 12-3-103; Section 63-6-209, 210, 213 and 214; Section 63-6-101, 102, 104, 204 and 207; Title 63, Chapter 6, Part 1 and Section 68-1-101. by *Haynes.

Senate Bill No. 2541 -- Crime, Victims of - Requires judges, sheriff, court administrator and building manager of courthouse in each county to meet and devise plan by September 1, 1996, whereby victim and prosecution witnesses have waiting room separate and secure from defendant and defense witnesses throughout judicial process. Amends TCA Title 40, Chapter 38, Part 1. by *Springer.

***Senate Bill No. 2688** -- Insurance, Health, Accident - Extends period from 31 to 60 days for providing notification if specific premium or fee is required for coverage for new born child or termination of coverage of dependent child. Amends TCA Title 56. by *Haun.

***Senate Bill No. 2691** -- Eminent Domain - Requires approval of county legislative body where property located if municipality condemns property outside county or county in which municipality located. Amends TCA Title 6, Chapter 54, Part 1. by *Wallace, *Wallace.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3331 -- School Districts, Special -- Local Bill Held on House Desk.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 23, 1996**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for April 23, 1996**: House Bill(s) No(s). 2758, 2776, 3294, 2914, 2731, 2596,

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2895, 2670, 2575, 2664, 3002, 47, 745, 2830, 2314, 2647 and House Joint Resolution(s) No(s). 448.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 23, 1996**: House Bill(s) No(s). 1991, 2937, 1862, 2611, 2846, 3235, 3191, 3286, 379; House Joint Resolution(s) No(s).525,513, 508,277,406; House Resolution(s) No(s).204 and Senate Joint Resolution(s) No(s). 323.

FINANCE, WAYS AND MEANS

April 23, 1996

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2374, 2266, 2425, 3058, 3146, House Resolution(s) No(s). 217 and House Joint Resolution(s) No(s). 541; also House Bill(s) No(s). 2471, 2537, 2268, 2050 and 2463 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSENT CALENDAR

House Bill No. 2540 -- Motor Vehicles, Titling and Registration - Authorizes cultural license plate for "Friends of the Great Smoky Mountains." Amends TCA Title 55, Chapter 4. by *Clabough. (*SB2613 by *Gilbert, *Koella)

On motion, House Bill No. 2540 was made to conform with **Senate Bill No. 2613**; the Senate Bill was substituted for the House Bill.

***House Joint Resolution No. 462** -- General Assembly, Studies - Creates joint study committee for highway safety and to draft comprehensive highway safety act. by *DeBerry J, *DeBerry L, *Bowers.

***Senate Joint Resolution No. 391** -- Highway Signs - "The Minnie Pearl Memorial Parkway," S.R. 50, Hickman County. by *Springer, *Henry, *Kyle.

House Bill No. 2827 -- Election Laws - Authorizes extended hours for early voting period for municipal elections in Memphis, Nashville, Knoxville, and Chattanooga. Amends TCA Title 2, Chapter 6. by *Armstrong, *Tindell, *Dunn. (*SB2235 by *Gilbert)

On motion, House Bill No. 2827 was made to conform with **Senate Bill No. 2235**; the Senate Bill was substituted for the House Bill.

House Bill No. 2586 -- Corporations, Not for Profit - Authorizes creation of Tennessee network for community economic development. Amends TCA Title 13, Chapter 14. by *Armstrong. (*SB2338 by *Dixon)

On motion, House Bill No. 2586 was made to conform with **Senate Bill No. 2338**; the Senate Bill was substituted for the House Bill.

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House Bill No. 421 -- Sunset Laws - Terminates medicaid drug utilization review board. Amends TCA Title 4, Chapter 29; Title 71, Chapter 5. by *Kernell, *Garrett, *Brooks. (*SB501 by *Haynes)

On motion, House Bill No. 421 was made to conform with **Senate Bill No. 501**; the Senate Bill was substituted for the House Bill.

House Bill No. 2118 -- Sunset Laws - Tennessee rehabilitation and inmate labor board, June 30, 2002. Amends TCA Title 4, Chapter 29, and Title 41, Chapter 22. by *Kernell, *Garrett, *Brooks. (*SB2026 by *Haynes, *Kyle)

On motion, House Bill No. 2118 was made to conform with **Senate Bill No. 2026**; the Senate Bill was substituted for the House Bill.

House Bill No. 2138 -- Sunset Laws - Board of paroles, June 30, 2002. Amends TCA Title 4, Chapter 29, and Title 40, Chapter 28. by *Kernell, *Garrett, *Brooks. (*SB2008 by *Haynes)

On motion, House Bill No. 2138 was made to conform with **Senate Bill No. 2008**; the Senate Bill was substituted for the House Bill.

House Bill No. 2143 -- Sunset Laws - Department of finance and administration, June 30, 2004. Amends TCA Title 4, Chapters 3 and 29. by *Kernell, *Garrett, *Brooks. (*SB2016 by *Haynes)

House Bill No. 2990 -- Sunset Laws - Tennessee emergency management agency, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 58, Chapter 2. by *Kernell, *Garrett, *Brooks. (*SB2967 by *Haynes, *Dixon)

On motion, House Bill No. 2990 was made to conform with **Senate Bill No. 2967**; the Senate Bill was substituted for the House Bill.

House Bill No. 2989 -- Sunset Laws - Southern region emergency management assistance compact, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 58, Chapter 2. by *Kernell, *Garrett, *Brooks. (*SB2966 by *Haynes, *Dixon)

On motion, House Bill No. 2989 was made to conform with **Senate Bill No. 2966**; the Senate Bill was substituted for the House Bill.

House Bill No. 2467 -- Sunset Laws - Deletes references in sunset law to governmental entities which terminated June 30, 1994. Amends TCA Section 4-29-215. by *Kernell, *Garrett, *Brooks. (*SB2620 by *Haynes)

On motion, House Bill No. 2467 was made to conform with **Senate Bill No. 2620**; the Senate Bill was substituted for the House Bill.

***House Bill No. 3221** -- Highway Signs - "Billy Nance Memorial Highway," portion of Highway 117, Hardin County. by *Rinks, *Peach. (SB3294 by *Wilder)

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House Bill No. 2179 -- Taxes, Hotel Motel - Exempts Williamson County from prohibition of municipalities enacting hotel motel tax if county levies tax prior to adoption by city. Amends TCA Section 67-4-1425. by *Williams (Williamson), *Callicott. (*SB2165 by *Jordan)

On motion, House Bill No. 2179 was made to conform with **Senate Bill No. 2165**; the Senate Bill was substituted for the House Bill.

House Bill No. 3285 -- County Officers - Authorizes register of deeds of Dyer County to collect \$2.00 data processing fee for purchase and maintenance of computers and supplies. Amends TCA Section 8-21-1001. by *Cole (Dyer). (*SB3272 by *Hamilton)

***Senate Joint Resolution No. 384** -- Highway Signs - "Bill Patton Memorial Bridge," Allen's Creek, S.R. 99, Lewis County. by *Springer.

House Bill No. 2924 -- Utilities, Utility Districts - Changes from department of transportation to Tennessee regulatory authority responsibility to oversee construction of natural gas pipelines and to review and approve rates and contracts for services involving natural gas. Amends TCA 7-82-301. by *Burchett. (*SB3012 by *Gilbert)

On motion, House Bill No. 2924 was made to conform with **Senate Bill No. 3012**; the Senate Bill was substituted for the House Bill.

Senate Joint Resolution No. 339 -- Naming and Designating - "Police Memorial Day," May 15, 1996; "Police Memorial Week," May 12-18, 1996. by *Burks, *O'Brien, *Harper.

House Resolution No. 243 -- Memorials, Interns - Jason Edward Bridgeman. by *Arriola.

House Resolution No. 244 -- Memorials, Public Service - Representative Roy B. Herron. by *Ridgeway.

House Resolution No. 245 -- Memorials, Death - Robert Houston "Bud" Lockhart. by *Buck.

House Resolution No. 246 -- Memorials, Interns - Michelle C. Moore. by *Kernell, *Brooks, *Garrett.

House Resolution No. 247 -- Memorials, Personal Occasion - Charles Money, 100th birthday. by *Rigsby.

House Resolution No. 248 -- Memorials, Public Service - Representative Richard S. Venable. by *Westmoreland, *Naifeh.

House Resolution No. 249 -- Memorials, Public Service - Representative Billy Rigsby. by *Lewis, *Naifeh, *Rhinehart, *Hargrove, *Rinks.

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House Resolution No. 250 -- Memorials, Recognition and Thanks - Dr. Henry J. Lyons,. by *Langster.

House Resolution No. 251 -- Memorials, Interns - Crystal Thomas. by *Miller L.

House Resolution No. 252 -- Memorials, Public Service - Representative Joe W. Bell. by *Davis.

House Resolution No. 253 -- Memorials, Interns - Richard Scott Wade. by *Shirley, *Haley.

House Resolution No. 254 -- Memorials, Recognition and Thanks - Tsuru, Japan Cultural Mission Group. by *Stamps.

House Resolution No. 255 -- Memorials, Interns - Michael Sean Payne. by *DeBerry J, *Jones R (Shelby), *Turner (Shelby), *Brooks.

House Resolution No. 256 -- Memorials, Interns - Chandra McWilliams. by *Pruitt, *Arriola.

House Resolution No. 257 -- Memorials, Recognition and Thanks - Honorarium for Women and Industry. by *Westmoreland, *Ramsey, *Venable.

House Resolution No. 258 -- Memorials, Interns - Novel Unique King. by *DeBerry L.

House Resolution No. 259 -- Memorials, Interns - Jana Vee Warren. by *Davidson.

House Resolution No. 260 -- Memorials, Interns - James C. Doriot, Jr. by *Williams (Williamson).

House Resolution No. 261 -- Memorials, Interns - Ebony Anderson. by *DeBerry J.

House Resolution No. 262 -- Memorials, Personal Occasion - Mr. & Mrs. Edsel Raines. by *Williams (Union).

House Resolution No. 263 -- Memorials, Death - Norman Bruce Wallace, Sr. by *Williams (Williamson).

House Resolution No. 264 -- Memorials, Death - Edith Lay Kitts. by *Williams (Union).

House Resolution No. 265 -- Memorials, Interns - Tracy LaFrance Welch. by *Brown.

House Joint Resolution No. 590 -- Memorials, Academic Achievement - Melinda Beckman, Valedictorian, Riverdale High School. by *Beavers.

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House Joint Resolution No. 591 -- Memorials, Academic Achievement - Ashley Barnickle, Salutatorian, Smyrna High School. by *Beavers.

House Joint Resolution No. 594 -- Memorials, Academic Achievement - Hilary Hargrove, 1996 Valedictorian, Riverdale High School. by *Beavers.

House Joint Resolution No. 595 -- Memorials, Academic Achievement - Andrea Rubendunst, Valedictorian, Riverdale High School. by *Beavers.

House Joint Resolution No. 596 -- Memorials, Academic Achievement - Trey Hancock, 1996 Valedictorian, Smyrna High School. by *Beavers.

House Joint Resolution No. 597 -- Memorials, Academic Achievement - Amber Ervin, Lebanon High School Salutatorian. by *Beavers.

House Joint Resolution No. 599 -- Memorials, Professional Achievement - Charlotte M. McBee, Teacher of the Year. by *West, *Purcell.

House Joint Resolution No. 600 -- Memorials, Retirement - Jimmy Rowe. by *Ridgeway.

House Joint Resolution No. 601 -- Memorials, Death - Georgia Belle Davidson, Mother of Representative Gene Davidson. by *Ridgeway.

House Joint Resolution No. 602 -- Memorials, Public Service - Lois Parks. by *Walley, *Naifeh.

House Joint Resolution No. 604 -- Memorials, Personal Occasion - Graydon and Peggy Tines, 50th wedding anniversary. by *Byrd.

House Joint Resolution No. 605 -- Memorials, Interns - Reginald Keith Bernard. by *Byrd.

House Joint Resolution No. 606 -- Memorials, Death - Lon H. Thorton, Sr. by *Davis.

House Joint Resolution No. 607 -- Memorials, Public Service - Representative David Coffey. by *Davis.

House Joint Resolution No. 608 -- Memorials, Public Service - Representative Shirley Duer. by *Davis.

House Joint Resolution No. 609 -- Memorials, Public Service - Representative Michael R. Williams. by *Davis.

House Joint Resolution No. 610 -- Memorials, Public Service - Representative Clint Callicott. by *Davis.

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House Joint Resolution No. 611 -- Memorials, Public Service - Representative Ron Ramsey. by *Davis.

House Joint Resolution No. 612 -- Memorials, Retirement - Dr. R. Wade Powers, President, Northeast State Technical Community College. by *Venable.

House Joint Resolution No. 613 -- Memorials, Interns - Russell Jones. by *Kernell.

House Joint Resolution No. 614 -- Memorials, Death - Byron Goldston Lasater. by *Bell.

House Joint Resolution No. 615 -- Memorials, Interns - Helen Livingston Huie. by *West.

House Joint Resolution No. 616 -- Memorials, Interns - Kyle Williams. by *Ridgeway.

House Joint Resolution No. 617 -- Memorials, Interns - April Marie Bowen. by *Jones R (Shelby).

House Joint Resolution No. 618 -- Memorials, Interns - Reginald Keith Bernard. by *Jones U (Shelby), *DeBerry J, *Jones R (Shelby), *Turner (Shelby), *DeBerry L, *Brooks, *Miller L, *Towns.

House Joint Resolution No. 619 -- Memorials, Death - Linda Sue Garrison Mayo. by *Jackson.

House Joint Resolution No. 620 -- Memorials, Academic Achievement - Jaime Baber, Riverdale High School 1996 Valedictorian. by *Beavers.

Senate Joint Resolution No. 491 -- Memorials, Retirement - Clyde W. McCullough, Jr., Chief Clerk of the Senate. by *Wilder, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsa, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

Senate Joint Resolution No. 492 -- Memorials, Public Service - Theodore G. White, Jr., Montgomery County Citizen of the Year. by *Rice.

Senate Joint Resolution No. 493 -- Memorials, Interns - Kevin Davenport. by *Womack.

Senate Joint Resolution No. 494 -- Memorials, Interns - Debra Caston. by *Womack.

Senate Joint Resolution No. 495 -- Memorials, Interns - Megan A. Kingree. by *Elsa.

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Senate Joint Resolution No. 496 -- Memorials, Public Service - Paul M. Starnes. by *Crutchfield, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Dixon, *Eisea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

Senate Joint Resolution No. 497 -- Memorials, Public Service - William C. Evans. by *Crutchfield.

Senate Joint Resolution No. 498 -- Memorials, Public Service - Kyle Edward Chinouth. by *Crowe.

Senate Joint Resolution No. 499 -- Memorials, Sports - East Tennessee State University men's golf team. by *Crowe.

Senate Joint Resolution No. 500 -- Memorials, Public Service - Officer D'Mitri Cannon, D.A.R.E. program. by *Burks.

Senate Joint Resolution No. 501 -- Memorials, Interns - Ginger Almon. by *Burks.

Senate Joint Resolution No. 502 -- Memorials, Interns - Catheryne Pulley. by *Gilbert.

Senate Joint Resolution No. 503 -- Memorials, Interns - Chris Mathews. by *Gilbert.

Senate Joint Resolution No. 508 -- Memorials, Death - McAllen Foutch, former Speaker of the House. by *Burks, *Henry.

House Bill No. 3309 -- Lexington - Subject to local approval, permits establishment of bidding procedures by ordinance. by *McDaniel. (SB3297 by *Springer)

House Bill No. 3310 -- Jackson - Subject to local approval of City of Jackson and Madison County, identifies persons and their benefits under retirement system. Amends Chapter 357 of the Private Acts of 1943. by *Kisber, *McDaniel. (SB3298 by *Carter)

House Bill No. 3311 -- Signal Mountain - Subject to local approval, establishes board of public utilities. Amends Chapter 569 of the Private Acts of 1919. by *McAfee. (SB3301 by *Fowler)

House Bill No. 3312 -- Rutherford County - Subject to local approval, enacts "Rutherford County Adequate Facilities Tax.". by *Bragg. (SB3300 by *Womack)

House Bill No. 3313 -- Gibson County - Subject to local approval, changes procedure for filling vacancy of school board member; revises duties of school board. Amends Chapter 62 of the Private Acts of 1981; as amended. by *Phelan. (SB3302 by *Carter)

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House Bill No. 3314 -- Johnson County - Subject to local approval, enacts "Mountain Ridge Protection Act.". by *Venable. (SB3303 by *Crowe)

House Bill No. 3315 -- Milan - Subject to local approval, rewrites city charter. by *Pinion, *Phelan. (SB3304 by *Carter)

House Bill No. 3316 -- Robertson County - Subject to local approval, authorizes adequate facilities tax. by *Davidson. (SB3305 by *Wright)

House Bill No. 3317 -- Gibson County - Subject to local approval, increases salary of general sessions court judge and permits interchange effective September 1, 1998. by *Phelan. (SB3306 by *Carter)

House Bill No. 3318 -- Oakdale - Subject to local approval, revises charter relative to responsibilities of board of mayor and aldermen. Amends Chapter 51. by *Windle.

House Bill No. 3319 -- Hardin County - Authorizes advisory referendum in City of Crump. by *Rinks. (SB3308 by *Wilder)

House Bill No. 3320 -- Hardin County - Subject to local approval, revises composition of county hospital board; creates new terms of office for board of commissioners. Amends Chapter 409 of the Private Acts of 1957; as amended. by *Rinks. (SB3309 by *Wilder)

House Bill No. 3321 -- Mitchellville - Subject to local approval, allows mayor and board of alderpersons to borrow up to \$30,000 through bond or note with term of no more than five years. by *McDonald. (SB3317 by *Wright)

House Bill No. 3322 -- Cheatham County - Subject to local approval, authorizes privilege tax on new development in such manner as county legislative body determines. by *Williams (Williamson), *Davidson. (SB3274 by *Henry)

House Bill No. 3323 -- Putnam County - Subject to local approval, establishes small claims court. by *Hargrove. (SB3307 by *Burks)

House Bill No. 3324 -- Putnam County - Subject to local approval, changes status of county attorney from elected to appointed position, effective September 1, 1998. Repeals Chapter 459 of the Private Acts of 1949. by *Hargrove. (SB3313 by *Burks)

House Bill No. 3325 -- Blount County - Subject to local approval, places advisory question on November ballot relative to formulation of land use or zoning plan. by *Kerr, *Clabough. (SB3315 by *Koella)

House Bill No. 3326 -- Blount County - Authorizes advisory referendum on formulation of land use planning or zoning plan at August or November election. by *Kerr. (SB3314 by *Koella)

TUESDAY, APRIL 23, 1996 -- EIGHTY- EIGHTH LEGISLATIVE DAY

House Bill No. 3327 -- Ripley - Revises various provisions of charter relative to municipal functions. Amends Chapter 223 of the Acts of 1901; as amended. by *Fitzhugh. (SB3312 by *Leatherwood)

House Bill No. 3328 -- Rutherford County - Subject to local approval, establishes development tax. by *Bragg, *Beavers, *Eckles. (SB3310 by *Womack)

House Bill No. 3329 -- Cookeville - Subject to local referendum, requires referendum to approve leasing of hospital property Amends Chapter 223 of the Private Acts of 1961. by *Hargrove. (SB3311 by *Burks)

House Bill No. 3330 -- Greenbrier - Subject to local approval, rewrites city charter. Repeals Chapter 436 of the Private Acts of 1937. by *Davidson. (SB3318 by *Wright)

RULES SUSPENDED

Rep. Purcell moved to suspend the rules to allow all members voting aye on Senate Joint Resolution No. 491 to be added as sponsors with all Senate sponsors, which motion prevailed.

Rep. Davis moved that all members voting aye on House Joint Resolution(s) No(s). 607, 608, 609, 610 and 611 be added as sponsors, which motion prevailed.

Rep. Lewis moved that all members voting aye on House Joint Resolution(s) No(s). 249 be added as sponsors, which motion prevailed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 3311: by Rep. McAfee.

House Bill No. 3321: by Rep. McDonald.

House Bill No. 3323: by Rep. Hargrove.

House Bill No. 3325: by Rep. Kerr.

House Bill No. 3326: by Rep. Kerr.

Under the rules, House Bill No: 3311, 3321, 3323, 3325 and 3326 was/were placed at the foot of the calendar for April 25, 1996.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Bird, Peach -- 2.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Joint Resolution No. 503** -- General Assembly, Studies - Creates special joint committee to study retention and disposition of court records. by *Purcell, *Hargrove.

Rep. Purcell moved that **House Joint Resolution No. 503** be adopted, which motion prevailed by the following vote:

Ayes	99
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 2557 -- Lobbying, Lobbyists - Removes gift restrictions from executive branch; revises campaign finance restrictions. Amends TCA Title 2, Chapter 10 and Title 3, Chapter 6. by *Rhinehart. (*SB2870 by *Rochelle)

Rep. Rhinehart moved that House Bill No(s). 2557 be reset to the Regular Calendar for April 25, 1996, which motion prevailed.

House Bill No. 2713 -- Health - Establishes brain trauma registry to collect and disseminate information on incidence, victims, and agencies of traumatic brain injury. Amends TCA Title 68, Chapter 55, Part 2. by *West. (*SB2134 by *Person)

On motion, House Bill No. 2713 was made to conform with **Senate Bill No. 2134**; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 2134, be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 1.

Rep. West moved that **Senate Bill No. 2134** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 3185 -- Tattoo Parlors - Lengthens recordkeeping period for tattoo establishments, from two to three years. Amends TCA Title 62, Chapter 38. by *West, *Burchett, *Jones, S.. (*SB3189 by *Haynes)

Rep. West moved that House Bill No. 3185 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 3185 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 62, is amended by deleting Chapter 38 in its entirety and by substituting Sections 2 through 11 of this act as new Chapter 38.

SECTION 2. As used in this chapter, unless the context otherwise requires:

(1) "Antibacterial solution" means any solution used to retard the growth of bacteria approved for the application to human skin and includes all products so labeled;

(2) "Client" means any person desiring to receive a tattoo;

(3) "Disinfectant" means a solution intended to destroy or inactivate specific viruses, bacteria or fungi on inanimate surfaces;

(4) "Germicidal solution" means any solution which destroys germs and is so labeled;

(5) "Sanitary" means clean and free of agents of infection;

(6) "Single use" means an item is used one (1) time on one (1) client and then is properly disposed of by appropriate measures;

(7) "Sterilization" means holding in an autoclave for twenty (20) minutes, at fifteen (15) pounds pressure, and at a temperature of two hundred sixty degrees (260°) Fahrenheit or one hundred twenty-seven degrees (127°) Celsius;

(8) "Tattoo" means any method of placing designs, letters, figures, symbols, cosmetics or any other marks under the skin of a person with ink or color by the aid of needles or instruments;

(9) "Tattoo artist" mean any person, regardless of age, who engages in the practice/service of tattooing for consideration regardless of the type of tattoo or area to be tattooed;

(10) "Tattoo artist registration" means the issuance of a state license authorizing the person named therein to engage in the practice/service of tattooing in the state of Tennessee after fulfilling the requirements in this act;

(11) "Tattoo operator" means any person who controls, operates, conducts or manages any tattoo studio, whether actually engaging in tattooing or not;

(12) "Tattoo studio" means any room or space where tattooing is practiced or where the service of tattooing is conducted;

(13) "Tattoo studio certificate" means the issuance of a written license, issued by the local county health department, to a tattoo studio stating that such studio, after inspection, was found to be compliance with this act; and

(14) "Universal precautions" means that all blood and body fluids are treated as to contain all bloodborne pathogens and taking proper precautions to prevent the spread of any bloodborne pathogens.

SECTION 3.

(a) No person shall operate a tattoo studio unless such person is registered with the state as an operator or as an artist and the studio has been issued a studio certificate by the local health department. No studio certificate shall be issued or renewed unless the studio has been inspected and found to be in compliance by the local health department. A fee of fifty dollars (\$50.00) shall be submitted annually to the local health department along with an application for renewal of a studio certificate.

(b) A studio certificate shall expire on December 31 of each year.

(c) The local health department shall inspect each tattoo studio a minimum of two (2) times per year to ensure compliance with this act.

(d) Tattoo studio violations shall be classified into two (2) categories: critical and minor. Tattoo studios found to have critical violations shall be subject to a one hundred dollar (\$100) civil penalty and, if deemed necessary, the immediate shutdown of such tattoo studio. Re-inspection for a critical violation shall be within seven (7) days, at which time the tattoo studio may be re-opened if such studio is found in to be in compliance. If three (3) critical violations are committed within the period of one (1) year (calendar or otherwise) the tattoo studio's certificate may be revoked.

(e) Minor violations shall mean all other violations of this act. Tattoo studios with minor violations shall be subject to a twenty-five dollar (\$25.00) civil penalty, and shall have fourteen (14) days to

address and correct such violations. Re-inspection for a minor violation shall be at the discretion of the local health department.

(f) A violation may be reviewed by the local health department upon written request of the person or studio committing such violation. A request for review by the local health department shall be made in writing within ten (10) days of receipt of notification of such violation. The local health department should respond to this review within fourteen (14) days.

(g) Critical violations shall include the following:

- (1) Autoclave is not in good working order;
- (2) Tubes and needles are not sterilized in an approved manner;
- (3) Work room is not equipped as required or is not stocked;
- (4) Prohibited reuse of single use articles;
- (5) Sterile instruments are not properly handled; or
- (6) Reusable instruments are not handled properly.

(h) In all instances of violations the local health department shall give written notice to the tattoo operator specifying the violations and measures that are necessary to correct such violations. A copy of this notice/inspection sheet shall be signed by the studio and retained by the local health department. Payment of all registrations, fees, or fines shall be payable to the local health department having jurisdiction for administrative costs.

(i) Any studio which is engaged in the practice of tattooing upon the effective date of this act shall submit an application for a license within thirty (30) days of the effective date of this act.

SECTION 4. (a) Before a permit to operate a tattoo establishment is granted, the local health department or its duly authorized agent shall inspect the premises in which the business is to be conducted. If the condition of the premises or its equipment does not conform to the requirements of this act, the local health department shall refuse to issue a permit. If the tattoo establishment conforms to the requirements of this act, the local health department or its duly authorized agent shall issue the permit requested.

(b) Each studio where tattoos are administered shall provide a work area separate from any observers present. No smoking or eating shall take

place in the tattoo work area. Clients shall be tattooed only while in the tattoo work area.

(c) Adequate restroom facilities for clients and operators shall be provided within each studio.

(d) A sink with hot and cold running water for handwashing and sterilization, other than a bathroom sink, shall be provided. Sinks shall be equipped with an antibacterial solution and single use towels.

(e) All waste products shall be disposed in accordance with universal precaution guidelines. All needles or other sharp instruments shall be segregated from other wastes and placed in an approved sharps container.

(f) All furniture and fixtures necessary to the practice of tattooing shall be provided and constructed to ensure adequate cleaning and sanitation. Adequate lighting and ventilation shall be provided in the tattoo studio. Equipment necessary to provide for proper aseptic techniques and sterilization shall be provided, including an autoclave in good repair. Floors, ceilings, walls and restrooms shall be maintained in a sanitary condition. Studio and equipment shall be maintained in good repair and the premises shall be kept clean, neat and free of litter and rubbish.

SECTION 5. (a) No person shall engage in the practice of tattooing for consideration or act as a tattoo artist unless such person has registered as a tattoo artist with the department of health. A statewide tattoo artist license shall be issued and is transferable, within the state of Tennessee, to any studio holding a current studio certificate issued by a local health department. The department of health may, at its option, direct the local health department to act in its behalf in the application, examination, collection of funds, etc., concerning tattoo artist registration.

(b) No holder of a studio certificate issued under this act shall allow a tattoo artist to engage in tattooing unless the tattoo artist:

(1) Currently holds a tattoo artist registration;

(2) Has applied for a fourteen (14) day temporary registration;
or

(3) Has an apprentice artist license.

(c) Any person desiring to engage in the practice of tattooing shall submit an application to the department of health or its designee. There shall be three (3) types of tattoo artist licenses: tattoo artist, apprentice artist, and temporary artist. All tattoo artist and apprentice artist registrations shall expire on December 31 of each year. A fee of fifty dollars (\$50.00) shall be submitted to the department of health for each individual artist license.

(d) All tattooing shall be under the auspices of a tattoo studio holding a current studio certificate issued by the local health department.

(e) Each tattoo operator or tattoo artist shall, before receiving a permit to operate a tattoo establishment or to apply a tattoo, undergo a training program to include:

(A) The Alliance of Professional Tattooist course in sterilization;

(B) A local or state health department program;

(C) A course approved by the local health department in methods and techniques for the proper sterilization of instruments and materials used in tattooing; or

(D) Present acceptable evidence of having satisfactorily completed a course of instruction in sterilization techniques and methods from a college/medical sterilization course.

(f) The tattoo operator and/or tattoo artist shall be required to take and pass an examination concerning the provisions of this act before a tattoo artist permit shall be issued. Such examination shall be a written exam prescribed by the local health department. After passing such examination and complying with the other provisions of this act, a license shall be issued.

(g) In order to receive a tattoo artist license, the tattooist shall be trained in the profession of tattooing to include sterilization methods in a certified shop for at least one (1) year, under a currently licensed tattoo artist who has been certified and operating in compliance with applicable for not less than three (3) years. Out-of-state tattoo artists must be able to show proof of at least two (2) years experience as a professional tattoo artist in another state (business licenses, tax records etc., may be used to show proof of prior work). Artists currently in business in Tennessee upon the effective date of this act shall be exempt from the provisions of this subsection.

(h) An apprentice artist license shall be issued if an artist is unable to comply with any of the provisions of this act. An artist shall remain an apprentice artist until all qualifications or provisions of this act have been met.

(i) A tattoo operator shall, unless registered as a tattoo artist, register with the department of health and shall comply with all provisions of this act, except for subsection (g). The fee for such registration shall be twenty-five dollars (\$25.00), payable to the department of health.

(j) To renew a license as a tattoo artist an applicant shall submit a fee of fifty dollars (\$50.00) before the expiration of such license.

(k) A penalty of twenty-five dollars (\$25.00) shall be imposed upon each late renewal of licensure. No late renewal of licensure shall be accepted more than one (1) year after the expiration of such licensure.

(l) An applicant whose license has expired for more than one (1) year must re-apply for licensure pursuant to subsection (g).

SECTION 6. (a) A registered tattoo business may set up at temporary locations other than a tattoo studio (e.g. tattoo conventions), with the written approval of the local health department, for a period not to exceed ten (10) days, provided that each artist not previously registered with the department of health shall register and pay a fee of fifty dollars (\$50.00) to the department of health.

(b) Temporary facilities (e.g., tattoo conventions) shall be held to the same sanitary standards as those required of tattoo studios. Temporary facility permits shall be issued by the local health department, to include:

(1) An area where tattooing can be performed in a limited access location;

(2) Adequate sterilization equipment supplied;

(3) Waste receptacles and sharps containers supplied;

(4) Individual containers of water for each client in single use rinse cups; and

(5) Disinfectant sprays at each tattoo artist's work area.

(c) A temporary tattoo artist registration may be issued for not more than fourteen (14) days. The holder of the studio certificate shall also sign for the temporary license from the department of health and all tattooing shall be under the auspices of the studio certificate holder and in compliance with the provisions of this act. Artists may apply tattoos if a copy of the state application and a receipt for the fifty dollar (\$50.00) fee is on display at the studio. The sterilization course, written examination and work experience shall be waived for such temporary permit. A temporary license is not transferable nor may it be renewed.

SECTION 7. It is the duty of the owner or operator of a tattoo establishment to post the current studio certificate permit in a conspicuous place where it may be readily observed by the public.

SECTION 8. (a) A record showing the date of a client's visit, the client's name, with his/her signature, address and age, design of the tattoo, its location on the client's body and the name of the tattoo artist who performed the service shall be maintained by tattoo studios for two (2) years.

(b) A minor sixteen (16) years or older may be tattooed with the written consent of the parent or legal guardian to cover up an existing tattoo. A parent or legal guardian of such minor must be present during the procedure.

(c) Records shall be entered in ink and shall be made available to the local health department upon request, at a reasonable time, for examination.

(d) Clients receiving a tattoo shall attest to the fact that they are not under the influence of drugs or alcohol.

(e) Printed instructions on the care of skin shall be given to each client after tattooing and a copy of such instructions shall be posted in a conspicuous place in the tattoo studio.

(f) Except as provided in subsection (b), it is a Class C misdemeanor to tattoo a person under eighteen (18) years of age.

SECTION 9. (a) Any person who does not obtain a permit as required in Section 3 of this act or whose permit has been revoked or suspended and who continues to tattoo or operate a tattoo establishment commits a Class B misdemeanor punishable only by a fine of five hundred dollars (\$500).

SECTION 10. (a) Each tattoo artist shall use a single use lap cloth.

(b) Each tattoo artist shall thoroughly wash his/her hands with a antibacterial solution and hot running water prior to and after administering any tattoo.

(c) Disposable, latex examination gloves shall be worn by a tattoo artist at all times while administering any tattoo. Gloves shall be changed and properly disposed of each time there is an interruption in the application of a tattoo, or whenever their ability to function as a barrier is compromised.

(d) Only single use supplies (or sterilized equipment) may be used to apply a tattoo and shall be disposed of after each tattoo. This subsection includes single use disposable razors; single use towels or wipes; lubricants from a collapsible tube and single use paper stencils or plastic stencils soaked in a germicidal solution. If the design is drawn directly onto the skin it shall be applied only with a single use article. Dyes or pigments should be manufactured for the sole purpose of tattooing. Single use or individual portions of dye and ink pots or trays shall be used. After tattooing, single use items, dyes, and containers shall be discarded and the tattoo area disinfected.

(e) All tubes and needles should be sealed for individual client use in autoclave bags with an autoclave indicator and date of

sterilization clearly visible. Autoclave bags may be stored for use for up to one (1) year. Autoclave sterilization minimum standards shall mean holding in an autoclave for twenty (20) minutes, at fifteen (15) pounds pressure, at a temperature of two hundred sixty degrees

(260°) Fahrenheit or one hundred twenty-seven degrees (127°)

Celsius. After tattooing, used non-disposable instruments such as tubes shall be kept in a separate, puncture resistant container until properly cleaned, disinfected and sterilized using universal precautions and recognized medical methods.

(f) Each tattoo shall be bandaged, when applicable, before leaving the tattoo studio.

(g) No tattoo artist shall remove or attempt to remove any tattoo.

SECTION 11.

(a) This act shall supersede all county and local regulations concerning tattooing to give uniformity in compliance within the state of Tennessee.

(b) This act shall not apply to any physician or any person under the supervision of a physician who is licensed to practice medicine in the state of Tennessee.

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 13. This act shall take effect October 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. West moved that **House Bill No. 3185**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	99
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eccles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis,

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McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 771 -- Railroads - Revises membership of railway authorities in which Davidson County is member to require that each county have three members. Amends TCA 7-56-203. by *Head, *West. (*SB1218 by *Harper)

On motion, House Bill No. 771 was made to conform with **Senate Bill No. 1218**; the Senate Bill was substituted for the House Bill.

Rep. Head moved that Senate Bill No. 1218, be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Head moved that **Senate Bill No. 1218**, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 3111 -- Insurance, Health, Accident - Extends period from 31 to 60 days for providing notification if specific premium or fee is required for coverage for new born child or termination of coverage of dependent child. Amends TCA Title 56. by *Williams (Williamson). (*SB2688 by *Haun)

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Rep. Williams(Williamson) moved that House Bill No(s). 3111 be reset to the Regular Calendar for April 25, 1996, which motion prevailed.

House Bill No. 2943 -- Workers' Compensation - Permits employer to set off from temporary total, temporary partial, and permanent partial disability benefits any payment made to employee under employer funded disability plan for same injury. Amends TCA Title 50, Chapter 6. by *Williams (Williamson), *Buck. (*SB3014 by *Womack, *Cooper)

Rep. Williams(Williamson) moved that House Bill No. 2943 be passed on third and final consideration.

Rep. Armstrong moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2943 in the directory language of Section 1 by deleting the directory language and substituting instead the following:

Tennessee Code Annotated, Section 50-6-114, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection (b):

AND FURTHER AMEND in the amendatory language of Section 1 by inserting the language "and permanent total " between the language "permanent partial" and "disability".

AND FURTHER AMEND by adding the following language at the end of the amendatory language of Section 1:

Such an offset from a disability plan may not result in an employee receiving less than the employee would otherwise receive under the Workers' Compensation Law. In the event that a collective bargaining agreement is in effect, this provision shall be subject to the agreement of both parties.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2943 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 50-6-207, is amended by adding the following as a new subdivision to be appropriately designated:

() For social security purposes only, as permitted by federal law or regulation, in an award of compensation as a lump sum or a partial lump sum under this chapter for permanent partial or permanent total disability, the court may make a finding of fact that the payment represents a payment to the individual to be distributed over the individual's lifetime based upon life expectancy as determined from mortality tables from Tennessee Code Annotated.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Rep. Williams(Williamson) moved that **House Bill No. 2943**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 3008 -- Game and Fish Laws - Reduces licensure requirement for possessing live wildlife from two years to one year of experience in handling or care of Class I wildlife. Amends TCA Title 70, Chapters 1. by *Rigsby. (*SB3077 by *Cooper)

Rep. Rigsby moved that House Bill No. 3008 be passed on third and final consideration.

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Rep. Napier moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3008 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 70-4-403, is amended by deleting subdivision (4)(D) in its entirety.

On motion, Amendment No. 1 was adopted.

Rep. Rigsby moved that **House Bill No. 3008**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 3

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Armstrong, Coffey, Haley -- 3.

A motion to reconsider was tabled.

House Bill No. 2812 -- Insurance, Health, Accident - Revises Small Employer Group Health Coverage Reform Act. Amends TCA Title 56, Chapter 7, Part 22. by *Coffey, *Odum, *McDaniel, *Cantrell. (*SB2459 by *McNally)

On motion, House Bill No. 2812 was made to conform with **Senate Bill No. 2459**; the Senate Bill was substituted for the House Bill.

Rep. Odum moved that Senate Bill No. 2459 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Odum moved that **Senate Bill No. 2459** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
 Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 3082 -- Criminal Procedure - Specifies conditions upon which post conviction relief may be granted. by *Hargrove. (*SB2651 by *Person)

Rep. Hargrove moved that House Bill No. 3082 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3082 by deleting SECTION 3 in its entirety and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 40-30-202(c), is amended by deleting the words "Section 40-30-218" and substituting instead the language "Section 40-30-217".

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 3082**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96
 Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R.

(Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 96.

A motion to reconsider was tabled.

House Bill No. 3090 -- Criminal Offenses - Creates offense of aggravated child neglect, elements of which are identical to offense of aggravated child abuse except child neglected rather than abused. Amends TCA Section 39-15-402. by *Hargrove. (*SB3116 by *Miller J, *Person, *Elsea, *Rice, *Carter)

On motion, House Bill No. 3090 was made to conform with **Senate Bill No. 3116**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that Senate Bill No. 3116 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 3116 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The Tennessee Code Commission is directed to change the catchline to Tennessee Code Annotated, Section 39-15-402, from "Aggravated child abuse" to "Aggravated child abuse and neglect".

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **Senate Bill No. 3116**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowikes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee,

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McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2819 -- State Government - Enacts "Block Grant Review Act of 1996.", by *Bragg. (*SB2977 by *Henry, *Dixon)

On motion, House Bill No. 2819 was made to conform with **Senate Bill No. 2977**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 2977, be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2977 by inserting the language "current programs," in Section 3(a) immediately following the words, "Minimizing harmful impacts on".

AND FURTHER AMEND by adding the language "regulated industry or other entities, environmental groups," in Section 3(b) immediately following the words, "concerned citizens,".

AND FURTHER AMEND by adding the language "the environment, conservation, and tourism committee of the senate; the conservation and environment committee of the house of representatives;" in Section 4 immediately following the words "children and youth;".

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved that **Senate Bill No. 2977**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eccles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis,

McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 986 -- Education - Directs state board of education to develop guidelines and criteria whereby local school systems may adopt and enforce uniform clothing for students. Amends TCA Title 49, Chapter 1, Part 3. by *DeBerry L. (*SB726 by *Harper)

On motion, House Bill No. 986 was made to conform with **Senate Bill No. 726**; the Senate Bill was substituted for the House Bill.

Rep. DeBerry L moved that Senate Bill No. 726 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. DeBerry L moved that **Senate Bill No. 726** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives voting no were: Callicott -- 1.

A motion to reconsider was tabled.

House Bill No. 2493 -- Hazardous Materials - Restricts location of landfill disposal sites to 1,000 feet of residential, church or school property; fill areas to 100 feet from all

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property lines of landfill. Amends TCA Title 68, Chapter 212. by *DeBerry L. (*SB2346 by *Dixon)

On motion, House Bill No. 2493 was made to conform with **Senate Bill No. 2346**; the Senate Bill was substituted for the House Bill.

Rep. DeBerry L moved that Senate Bill No. 2346, be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. DeBerry L moved that **Senate Bill No. 2346** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 2344 -- Health - Enacts "Hepatitis A Protection and Control Act."** by *DeBerry L, *DeBerry J. (SB2497 by *Ford J)

On motion, House Bill No. 2344 was made to conform with **Senate Bill No. 2497**; the Senate Bill was substituted for the House Bill.

Rep. DeBerry L moved that Senate Bill No. 2497, be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. DeBerry L moved that **Senate Bill No. 2497** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 1980** -- Law Enforcement - Adds illegal sale of large amounts of controlled substances to list of offenses to which Wiretapping and Electronic Surveillance Act of 1994 applicable. Amends TCA Title 40, Chapter 6, Part 3. by *Buck. (SB2245 by *Gilbert)

Rep. Buck moved that House Bill No. 1980 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1980 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-6-305, is amended by deleting all language following the colon (:) and substituting instead the following:

- (1) The commission of criminal homicide, as defined in § 39-13-201;
- (2) Criminal conspiracy, as defined in § 39-12-103, to commit criminal homicide; or
- (3) The commission of a violation of § 39-17-417(j).

SECTION 2. Tennessee Code Annotated, Section 40-6-306, is amended by deleting from subsection (d) the language "commission of a homicide offense or conspiracy to commit a homicide offense" and substituting instead the language "commission of a homicide offense, conspiracy to commit a homicide offense, or commission of a violation of Tennessee Code Annotated, Section 39-17-417(j)".

SECTION 3. Tennessee Code Annotated, Section 40-6-303, is amended by adding the following appropriately numbered new definition:

() "Pen register" means a device which records or decodes electronic or other impulses which identify the numbers dialed or otherwise transmitted on the telephone line to which such device is attached, but such term does not include any device used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communication services provided by such provider or any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business;

SECTION 4. Tennessee Code Annotated, Title 40, Chapter 6, Part 3, is amended by adding the following as a new section:

Section _____. Any circuit or criminal court judge may issue a pen register or trap and trace order pursuant to the provisions and requirement of 18 United States Code, Section 3123, et. seq..

SECTION 5. This act shall take effect on July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1980 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-6-303, is amended by adding the following appropriately numbered new definition:

() "Pen register" means a device which records or decodes electronic or other impulses which identify the numbers dialed or otherwise transmitted on the telephone line to which such device is attached, but such term does not include any device used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communication

services provided by such provider or any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business;

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 6, Part 3, is amended by adding the following as a new section:

Section _____. Any circuit or criminal court judge may issue a pen register or trap and trace order pursuant to the provisions and requirements of 18 United States Code, Section 3123, et. seq..

SECTION 3. This act shall take effect on July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved that **House Bill No. 1980**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes	0
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowikes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Beavers, Brooks -- 2.

A motion to reconsider was tabled.

House Bill No. 2578 -- Health - Revises provisions relative to "Do Not Resuscitate" orders. Amends TCA Title 68, Chapter 140, Part 6. by *Jackson. (*SB2743 by *Holcomb)

On motion, House Bill No. 2578 was made to conform with **Senate Bill No. 2743**; the Senate Bill was substituted for the House Bill.

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Rep. Jackson moved that Senate Bill No. 2743 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 1.

Rep. Jackson moved that **Senate Bill No. 2743** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 177 --** Education - Requires full time public school nurse for each 3,000 students or one full time position for each local education agency, whichever is greater. Amends TCA Title 49, Chapter 3. by *Givens, *Jones, S.. (SB317 by *Wallace)

Rep. Givens moved that House Bill No. 177 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 177 is amended by deleting Section 1 and by substituting instead the following: SECTION 1. Tennessee Code Annotated, Section 49-3-359(c)(1) is amended in the second sentence by adding the following language immediately before the punctuation ".":

“; provided that after the BEP is fully funded, a local education agency shall use such funds to directly employ or contract for a public school nurse as provided for in this subsection”

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 177 by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-3-359(c)(1), is amended by deleting the period "." at the end of the second sentence and by substituting instead the following words and punctuation:

": provided that after the BEP is fully funded, a local education agency must use such funds to directly employ or contract for a public school nurse as provided for in this subsection or must advise the department of education that the local education agency has affirmatively determined not to do so, in which case the local education agency shall notify the department of:

(A) the election against providing such service,

(B) the alternative arrangement which the local education agency has made to meet the health needs of its students, and

(C) the manner in which school nurse funding has or will be used.

On motion, Amendment No. 2 was adopted.

Rep. Givens moved that **House Bill No. 177**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

Representatives voting no were: Coffey -- 1.

A motion to reconsider was tabled.

House Bill No. 2946 -- Education, Higher - Changes executive director of Tennessee student assistance corporation from regular to ex officio member on board of trustees of baccalaureate education system trust fund program. Amends TCA Title 49, Chapter 7, Part 8. by *Byrd, *Bell, *Ritchie, *Herron, *McDonald, *Chumney, *Hargrove, *Haley, *Kernell, *West, *Beavers, *Bird. (*SB2530 by *Haynes, *Kyle, *Womack)

Rep. Byrd requested that House Bill No. 2946 be moved down 1 places on the Calendar.

House Bill No. 2572 -- Medicine, Practice of - Specifies state board of medical examiners as independent board. Amends TCA Section 4-3-101, 111, 112, 122, 1008 and 1703; Section 8-30-202 and 209; Title 9, Chapter 4, Part 2; Section 12-3-103; Section 63-6-209, 210, 213 and 214; Section 63-6-101, 102, 104, 204 and 207; Title 63, Chapter 6, Part 1 and Section 68-1-101. by *Byrd. (*SB2528 by *Haynes)

On motion, House Bill No. 2572 was made to conform with **Senate Bill No. 2528**; the Senate Bill was substituted for the House Bill.

Rep. Byrd moved that Senate Bill No. 2528, be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND Senate Bill No. 2528 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-6-101(a), is amended by substituting the word "twelve (12)" for the word "ten (10)" in the first sentence, and by substituting the word "three (3)" for the word "one (1)" in subsection (a)(2) and by changing the singular references of one consumer to the plural reference in the rest of the subsection, and by adding the following as a new subsection (a)(4):

() The board is authorized to issue advisory opinions to any affected person regarding any matters within the board's primary jurisdiction. Any dispute regarding an advisory opinion may, if the board chooses to do so, be resolved pursuant to the declaratory order provisions of § 4-5-223.

SECTION 2. Tennessee Code Annotated, Section 63-6-101, is amended by adding the following as new subsections (c) and (d):

() Notwithstanding any provision of the law to the contrary regarding personnel, finances, office space, hardware and supplies, the board is authorized to establish the qualifications for, annually set the compensation to be paid to, and, in its reasonable discretion, employ by and through personal services contracts, and have complete authority over the retention or dismissal of and provide for office space, equipment and supplies as necessary for a licensed physician to serve as a full-time medical director and a licensed attorney to serve as general counsel to assist the board in its administrative duties. The medical director's duties shall be as prescribed by the board and include rendering initial licensure determinations, and complaint disposition determinations in consultation with board investigators and the health related boards office of general counsel. The board's general counsel shall act in an advisory capacity with the board, and the board shall be such attorney's sole client for purposes of the code of professional responsibility. The responsibilities of the general counsel shall be as prescribed by the board and include providing legal advice and services to the board, its members, and its employees as such service or advice relate to the conduct of the board's statutorily authorized business pursuant to this chapter; provided, however, that such attorney shall not litigate or prosecute administrative disciplinary contested case hearings or be involved in the administrative disciplinary process or assume advisory duties toward any employee of any other department of state government. Both the medical director and general counsel shall be employed as executive services employees under the auspices of the department of health, and be solely responsible to the board.

() The board may similarly retain hearing officers or designees to hear contested cases. The board may further retain all necessary personnel to conduct mediation and arbitration of disciplinary matters, and up to six full-time investigators who have a minimum of a baccalaureate degree in a health related field to review and investigate complaints received by the board and any matters that fall within the board's jurisdiction.

SECTION 3. Tennessee Code Annotated, Title 9, Chapter 4, Part 2, is amended by adding the following as a new appropriately numbered section which shall read as follows:

(a) There is created within the general fund a special agency account to be known as the board of medical examiners fund.

(b) All moneys collected by the board of medical examiners established pursuant to Title 63, Chapter 6, Parts 1 and 2, shall be deposited to the board of medical examiners fund and distributed in accordance with Title 63, Chapter 6, Parts 1 and 2. On the effective date of this act, the commissioner of finance and administration shall

transfer such moneys as are in the separate account established for the board of medical examiners pursuant to § 63-1-137, to the board of medical examiners fund created by this act for the sole and exclusive use of the board during implementation and future administration of the provisions of this act and the provisions of Title 63, Chapter 6.

(1) There shall be no reversion or appropriation of any moneys existing in the board of medical examiners fund to the general fund or any other fund at any time, for any purpose without authorization of the board.

(2) Funds remaining in the board of medical examiners fund at the end of any fiscal year shall remain available for expenditure in accordance with the provisions of this act and Title 63, Chapter 6.

(c) An annual appropriation is hereby made of such amounts, as certified as the board's annual budget from the president of the board to the commissioner of finance and administration, from the board of medical examiners fund created by this act as are necessary to fund the board's annual administration of the provisions of this act and Title 63, Chapter 6.

SECTION 4, Tennessee Code Annotated, Section 63-6-104, is amended by deleting subsection (b)(2) in its entirety and substituting instead the following new subsections (b)(2) through (6):

(2) The board shall pay all moneys received by it into the state treasury. Such moneys shall be deposited by the commissioner of finance and administration into the board of medical examiners fund created pursuant to Section 3 of this act. The moneys of that account are to be disbursed solely for the purpose of payment for the rents, salaries, per diem, equipment, items, services, travel and other obligations authorized by this chapter. Receipts of the board, deposits to, and payments made from such account shall not be deemed receipts, deposits to, or payments made from the general or other state general revenue funds, but are receipts, deposits to, or payments made from a separate dedicated fee generated account, the funds of which are derived from fees charged of medical licensees or applicants and used solely to support board operations, functions, and travel and for no other purpose. Funds remaining in the board of medical examiners fund at the end of any fiscal year shall remain available for expenditure in accordance with the provisions of this chapter.

(3) An annual appropriation is hereby made of such amounts, as certified as the board's annual budget from the president of the board, or the president's designee, to the commissioner of finance

and administration, from the board of medical examiners fund created by this act as are necessary to fund the board's transition, implementation, and annual administration of the provisions of this act and this chapter.

(4) The board may include in its annual budget certification such amounts as are necessary to fund in the department of health, a full-time medical director, an executive director, a general counsel, six (6) investigators, and two (2) legal secretaries, to support the board's -administrative duties and the department of health office of general counsel in the review, preparation, and prosecution and/or settlement of only board of medical examiner disciplinary actions. If a specific job classification for legal secretaries comparable to similarly titled jobs in the private sector do not currently exist within the department of personnel, the department of personnel shall create such classification; and

(5) The board is authorized, through its executive director, to utilize existing resources within the state government and/or to enter into such contracts as are necessary to effectuate the provisions and intent of this act.

(6) Any rules required to be promulgated to effectuate the provisions of this act may be promulgated as public necessity rules pursuant to, and according to the conditions of, § 4-5- 209.

SECTION 5. Tennessee Code Annotated, Section 63-6-204(a)(1), is amended in subsection (a)(1) by inserting the word and punctuation "diagnose," between the words "to" and "treat".

SECTION 6. Tennessee Code Annotated, Section 63-6-209, is amended in subsection (a) by deleting the words "by the division as directed", and is further amended by adding the sentence "The board shall also issue to such applicant a certificate of registration signed by the executive director of the board, which certificate shall recite that the person is duly registered for the years specified.", and is further amended in subsection (b) by inserting the words "and special licenses based upon licensure in another state for the limited purpose of authorizing the practice of telemedicine" between the words "licenses" and "to" in the second sentence of that subsection, and is further amended by adding the following as new appropriately lettered subsections:

() Any certificate of registration issued by the board shall contain the name of the person to whom it is issued, the address of the person, the date and number of the license, and such other information as the board deems necessary. The address contained on this certificate of registration shall be the address of the licensee where all correspondence and renewal forms from the board shall be sent, during the two (2) years for which the certificate of registration

has been issued, and shall be the address deemed sufficient for purposes of service of process.

() Any licensee whose address changes from the address contained on the registration certificate shall, within thirty (30) days thereafter, notify the board of the address change. Upon receipt of notification, the board shall issue, without additional fee, a new registration certificate to the licensee for the new address.

SECTION 7. Tennessee Code Annotated, Section 63-6-210, is amended by deleting the language of that section in its entirety and substituting instead the following new language:

(a) Each person licensed to practice medicine in this state shall biennially, pursuant to the renewal system established in compliance with subsection (b), apply to the board for a renewal of licensure and shall pay a renewal fee as set by the board. Each application shall be made on a form to be furnished by the board and sent to such licensee well in advance of the scheduled renewal date. The board shall in its discretion, absent receipt of derogatory information, renew licensure upon application made in due form and upon payment of all required fees and issue a new biennial registration certificate.

(b)(1) There is hereby authorized the establishment of a system of license renewals at alternative intervals that will allow for the distribution of the license workload as uniformly as is practicable throughout the calendar year. Licenses issued under this renewal system are valid for twenty-four (24) months, and shall expire on the last day of the last month of the license period. However, during any transition period, or at any time thereafter when the board shall determine that the volume of work for any given interval is unduly burdensome or costly, either the licenses or renewals, or both, may be issued for terms of not less than six (6) months nor more than eighteen (18) months. The fee imposed for any license under any renewal system for a period of other than twenty-four (24) months shall be proportionate to the biennial fee and modified in no other manner, except that the proportional fee shall be rounded off to the nearest quarter of a dollar (25 cents).

(2) No renewal application will be accepted after the last day of the month following the license expiration date under the renewal system implemented pursuant to this subsection. In the event a person fails to timely apply for renewal of licensure as provided herein, that person's license shall be processed for administrative revocation pursuant to a notice issued to the person, by certified mail, return receipt requested at the address specified on the person's registration certificate, offering an opportunity for a hearing. When any person practices medicine pursuant to a license that has not been

timely renewed, such conduct shall not be considered to be the practice of medicine without a valid license, until such time as the board takes action to administratively revoke the person's license for failure to renew.

(c) Any person who fails to timely renew licensure and whose license is administratively revoked as provided herein, may seek licensure reinstatement from the board. The board, in its sole discretion and absent receipt of any derogatory information, may reinstate the license upon good cause being shown, and upon payment of all past due renewal fees, and upon the further payment of a late renewal penalty as set by the board, and the further compliance with whatever other reasonable conditions are deemed necessary by the board.

(d) Any person licensed to practice by the provisions of this chapter, who has retired or may hereafter retire from practice in this state, shall not be made to register as required by this chapter if the person shall file with this board an affidavit of retirement form furnished by the board. The affidavit shall state the date on which the person retired from practice and such other facts as shall tend to verify such retirement as the board shall deem necessary. If the person thereafter wishes to reenter practice in this state, the person shall apply for licensure reactivation with the board, pay a reactivation fee as set by the board, and shall meet such other reasonable requirements as may be deemed necessary by the board.

(e) The board shall have the authority to create a renewable inactive licensure status, as it deems appropriate upon payment of an appropriate fee assessment and compliance with requirements established by the board, for those licensees who actively practice medicine in a state other than Tennessee.

SECTION 8. Tennessee Code Annotated, Section 63-6-213, is amended in subsection (a) by inserting the words and punctuation ", through the board's investigative employees," between the words "board" and "shall", and is further amended by adding the following new subsections (c), (d), and (e):

(c)(1) The board may, through the office of general counsel, petition any circuit or chancery court having jurisdiction over any person within this state, who is practicing medicine without a license or in violation of a restriction or condition placed upon a license regardless of whether such practice resulted from a license being restricted, conditioned, denied, or because a license has been suspended or revoked by action of the board, or any other reason, to enjoin such person from conducting or continuing to conduct the unlawful practice of medicine within this state.

(2) Jurisdiction is conferred upon the circuit and chancery courts of this state to hear and determine all such causes as equity causes and are authorized to exercise full and complete jurisdiction in these injunctive proceedings. Nothing in this section shall be construed as conferring criminal jurisdiction upon any court not now possessing such criminal jurisdiction, nor shall any such court, as an incident to the injunctive proceedings herein authorized, have the power to assess criminal penalties.

(d)(1) With respect to any person required to be licensed, permitted or authorized by the board, the board may assess a civil penalty against such person in an amount not to exceed one thousand dollars (\$1,000) for each separate violation of a board statute, rule or order. This section is specifically intended to give jurisdiction to the board over persons who are not licensed pursuant to this chapter but who are practicing medicine and those who are licensed but are practicing medicine in violation of a restriction or condition placed on their licenses, or who are practicing after their licenses have been revoked or suspended by action of the board.

(2) The board shall by rule establish a schedule designating the minimum and maximum civil penalties that may be assessed under this section. In assessing civil penalties, the following factors may be considered:

(A) Whether the amount imposed will be a substantial economic deterrent to the violator;

(B) The circumstances leading to the violation;

(C) The severity of the violation and the risk of harm to the public;

(D) The economic benefits gained by the violator as a result of noncompliance; and

(E) The interest of the public.

(3) Civil penalties assessed pursuant to this section shall become final thirty (30) days after the date a final order of assessment is served.

(4) If the violator fails to pay an assessment when it becomes final following any appeals, the board, through its counsel, may apply to the appropriate court for a judgment and seek execution of such judgment.

(5) Jurisdiction for recovery of such penalties shall be in the chancery court of Davidson County, or the chancery court of the county in which all or part of the violations occurred.

(6) All sums recovered pursuant to this section shall be paid into the state treasury.

(e) The board shall retain rulemaking authority to adjust how its contested case docket is administered in order to provide for the efficient and orderly disposition of contested cases. This authority may include rulemaking the setting of reasonable limitations on deadlines for case settlements, and whether several contested cases are set on each meetings' docket of business.

SECTION 9. Tennessee Code Annotated, Section 63-6-214, is amended in subsection (a)(4) by inserting the words and punctuation", including but not limited to, informal settlements, private censures, and warnings," between the words "licensee" and "as", and is further amended in subsection (b) by moving the word "and" from the end of item (18) to the end, after the semicolon, of item (20), and is further amended by deleting the periods at the ends of items (19) and (20) and replacing them with semicolons, and is further amended by adding, as a new appropriately numbered item, the sentence " (j)Practicing medicine without a license issued by the board or on a license that has been revoked or suspended by the board, or practicing in violation of any restriction or condition placed upon a license by the board.", and is further amended in subsection (g) by deleting the first sentence and substituting instead" For purposes of actions taken pursuant to subdivisions (b)(4), (12) and (13) or any other subsection in which the standard of care is an issue, any Tennessee licensed physician serving as a board member, hearing officer, designee, arbitrator or mediator is entitled to rely upon his or her own expertise in making determinations concerning the standard of care and is not subject to voir dire concerning such expertise.", and is further amended by adding the following new subsections lettered (h), (i), (j), (k) and (l):

(h)(1) All materials, documents and other matters relating to, compiled or created pursuant to an investigation conducted by the board's investigators against any health care practitioner under the board's jurisdiction, shall be exempt from the public records act until the filing of a notice of charges. After the filing of a notice of charges, only the information and those materials and documents upon which the charges are based are available for disclosure under the public records act. Provided, however, the identifying information of the following, as well as all investigator created documents and reports, shall remain confidential at all times unless and until introduced in the proceedings:

(A) A complainant;

(B) Any witness who requests anonymity;

(C) A patient;

(D) Medical records.

(2) This section does not modify or limit the prehearing discovery provisions set forth in the uniform administrative procedures act, compiled in title 4, chapter 5, part 3.

(i)(1) The board may utilize one or more screening panels in its investigative and disciplinary process to assure that complaints filed and investigations conducted are meritorious and to act as a mechanism for diversion to professional peer review organizations and/or impaired professionals associations or foundations those cases which the board, through established guidelines, deems appropriate; upon diversion, such entities shall retain the same immunity as provided by law for the board;

(2) The screening panels shall consist of as many members as the board directs, but shall include at least one (1) but no more than three (3) licensed physicians, who may be members of the board or may serve either voluntarily or through employment by or under contract with the board;

(4) The activities of the screening panels, and any mediation or arbitration sessions shall not be construed as meetings of an agency for purposes of the open meetings act and to the extent required by subsection (h)(3) shall remain confidential. The members of the screening panels, mediators, and arbitrators have a deliberative privilege and the same immunity as provided by law for the board, and are not subject to deposition or subpoena to testify regarding any matter or issue raised in any contested case, criminal prosecution, or civil lawsuit which may result from or be incident to cases processed before them.

(j) Notwithstanding any provision of the uniform administrative procedures act to the contrary, hearing officers or designees employed pursuant to contract or serving voluntarily or as employees of the board are authorized to, and may hear board mediation, arbitration, or disciplinary contested cases, but may not issue final orders in contested case matters. Notwithstanding any of the provisions of §§ 4-5-314 and 4-5-315, which may be or are inconsistent, such hearing officers or designees may only issue findings of fact and conclusions of law which shall be referred directly to the board or a duly constituted panel thereof for final action. The board or duly constituted panel, after hearing testimony and arguments from both parties regarding the appropriate disciplinary action and, if allowed by the board, arguments on any controversy raised by the hearing officer's or designee's order, shall issue a final order to include the imposition of what, if any, disciplinary action is deemed appropriate. Only the board or a duly constituted panel thereof shall have the authority to issue final orders which dispose of a pending contested case regardless of whether the issues resulting in the dispositive action are procedural, substantive, factual or legal. If a hearing officer or designee is not available when a contested case,

or any motion filed therein requiring action, is ready and scheduled to be heard or fails to timely prepare findings and conclusions pursuant to board established guidelines, the board or a duly constituted panel thereof may rule on the motions and/or hear the contested case or utilize the record compiled before the hearing officers or designees and prepare its own findings of fact, conclusions of law and then issue a final order. With regards to findings and conclusions issued by the hearing officer or designee, or any mediator or arbitrator, the board or any duly constituted panel thereof which reviews the case may do any of the following:

(1) Adopt the hearing officer's, designee's, mediator's or arbitrator's findings of fact and conclusions of law, in whole or in part; or

(2) Make its own findings of fact and conclusions of law, based solely on the record and the expertise of the members of the board or panel, in addition to or in substitution of those made by the hearing officer, designee, mediator or arbitrator; or

(3) Remand the matter back to the hearing officer, designee, mediator or arbitrator for action consistent with the board or panel findings and conclusions in the matter; or

(4) Reverse the hearing officer's, designee's, mediator's or arbitrator's findings and/or dismiss the matter entirely.

(k) The board retains jurisdiction to modify or refuse to modify, upon request of any party, any of its orders issued pursuant to this section in compliance with procedures established by the board. The Board, pursuant to duly promulgated rules may, whenever a final order is issued after a disciplinary contested case hearing which contains findings that a licensee or other person has violated any provision of this chapter, assess the costs directly related to the prosecution of the case against the licensee or person.

(l) Any elected officer of the Board, or any duly appointed or elected chairperson of any panel of the board, or any screening panel, and any hearing officer, designee, arbitrator or mediator shall have the authority to administer oaths to witnesses, and upon probable cause being established, issue subpoenas for the attendance of witnesses and the production of documents and records.

SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Byrd moved that Senate Bill No(s). 2528 be reset to the Regular Calendar for April 25, 1996, which motion prevailed.

House Bill No. 2946 -- Education, Higher - Changes executive director of Tennessee student assistance corporation from regular to ex officio member on board of trustees of baccalaureate education system trust fund program. Amends TCA Title 49, Chapter 7, Part 8. by *Byrd, *Bell, *Ritchie, *Herron, *McDonald, *Chumney, *Hargrove, *Haley, *Kernell, *West, *Beavers, *Bird. (*SB2530 by *Haynes, *Kyle, *Womack)

Further consideration of House Bill No. 2946, previously considered on today's Calendar.

Rep. Byrd moved that House Bill No. 2946 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2946 by deleting the amendatory and directory language in Sections 1 through 3 in their entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 8, is amended by deleting it in its entirety and by substituting instead the following:

49-7-801. Short title. This part shall be known and may be cited as the "Tennessee Baccalaureate Education System Trust Act."

49-7-802. Definitions. As used in this part, except where the context clearly requires otherwise:

(1) "Beneficiary" means an individual designated under a tuition contract as the individual entitled to apply tuition units purchased under the contract to the payment of that individual's undergraduate, graduate and professional tuition. The individual must have been a resident of this state at the time the contract was purchased;

(2) "Board" means the board of trustees of the baccalaureate education system trust fund program described in this part;

(3) "Institution of higher education" means a state institution of higher education, an accredited private college, university, or other postsecondary institution located inside this state that is accredited by an accrediting organization or

professional association recognized by the board, or an accredited college, university or other postsecondary institution located outside this state that is accredited by an accrediting board;

(4) "Program" means the baccalaureate education system trust fund program created in this part;

(5) "Purchaser" means an individual who enters into a tuition contract under this part for the purchase of a tuition unit or units on behalf of a beneficiary;

(6) "State institution of higher education" means the colleges, universities, branches or units thereof under the control and direction of either the board of trustees of the University of Tennessee or the board of trustees of the state university and community college system;

(7) "Tuition" means the charges imposed to attend an institution of higher education as an undergraduate, graduate, or professional student and all fees required as a condition of enrollment as determined by the board. "Tuition" does not include fees charged to out-of-state residents by institutions of higher education, laboratory fees, room and board or other similar fees and charges;

(8) "Tuition contract" means a contract entered into under this part by the board and a purchaser to provide for the payment of higher education tuition and required fees of a beneficiary;

(9) "Tuition unit" means a unit of the program purchased under § 49-7-807 on behalf of a beneficiary; and

(10) "Weighted average tuition" means the tuition cost resulting from the following calculation:

(A) Add the products of the annual undergraduate tuition at each Tennessee four-year public university multiplied by that institution's total number of undergraduate full-time equivalent students; and

(B) Divide the gross total of the products from subdivision (10)(A) of this section by the total number of undergraduate full-time equivalent students attending Tennessee's four-year public universities.

49-7-803. Purpose. Article XI, Section 12, of the Constitution of Tennessee manifests the intention of the citizens of this state that the advancement and improvement of higher education in the state of Tennessee is an essential governmental function and purpose of this state. Pursuant thereto, the general assembly of this state hereby finds that the creation of a trust program, as an agency and instrumentality of the state of Tennessee, to assist students or their families in financing a portion of the costs of attending colleges and universities will increase the number of students who will seek to attend a college or university, and will, therefore, advance and improve higher education in this state. It is, therefore, the legislative intent of this part to establish an educational trust fund as an agency and instrumentality of the state of Tennessee to assist students to pay in advance the tuition cost of attending colleges and universities and thereby to encourage such students to attend a college or university. In establishing the trust program, it is further the intent of the general assembly to encourage timely financial planning for higher education by the creation of tuition contracts, and to provide assistance and incentives for the purchase of tuition contracts for the benefit of the children of the people of this state.

47-7-804. Creation of board of trustees - Members.

(a) There is hereby created a board of trustees of the program composed of seven (7) members as follows:

- (1) the state treasurer, ex officio;
- (2) the comptroller of the treasury, ex officio;
- (3) the commissioner of finance and administration, ex officio;
- (4) the secretary of state, ex officio;
- (5) the chancellor of the state board of regents, ex officio;
- (6) the president of the University of Tennessee system, ex officio;
- (7) the executive director of the Tennessee student assistance corporation, ex officio; and
- (8) the executive director of the Tennessee higher education commission, ex officio.

(b) Members of the board may designate members of their respective staffs to attend meetings of the board and to

exercise their right to vote in their absence. Such designations shall be in writing to the board chair and filed with the secretary of state. The state treasurer shall serve as chair of the board.

(c) Members of the board shall serve without compensation but shall receive reasonable reimbursement for actual and necessary travel expenses in accordance with the travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(d) A majority of the members of the board serving shall constitute a quorum for the transaction of business at a meeting of the board. Voting upon action taken by the board shall be conducted by a majority vote of the members present at the meeting of the board. The board shall meet at the call of the chair and as may be otherwise provided in any rules or regulations promulgated by the board pursuant to § 49-7-805(15). Meetings of the board may be held anywhere within the state.

(e) The business of the board shall be conducted at meetings of the board held in compliance with Title 8, Chapter

44. All records of the board shall be made available to the public in compliance with Title 10, Chapter 7.

(f) The board is attached to the department of treasury, as a division thereof, for all administrative purposes.

49-7-805. Board - Powers and Duties. In addition to the powers granted by any other provisions of this part, the board shall have, as agents of this state, the powers necessary or convenient to carry out the purposes and provisions of this part, the purposes and objectives of the program and the powers delegated by any other law of this state including, but not limited to, the following express powers:

(1) To invest any funds of the trust fund in any instrument, obligation, security, or property that constitutes legal investments for assets of the Tennessee consolidated retirement system as described in § 8-37-104;

(2) Purchase insurance from insurers licensed to do business in this state providing for coverage against any loss in connection with the program's property, assets, or activities or to further ensure the value of tuition units;

(3) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of the powers and duties of the board;

(4) Contract for the provision of all or any part of the services necessary for the management and operation of the program;

(5) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this part;

(6) Promote, advertise and publicize the program;

(7) To solicit and accept monetary gifts, including monetary gifts made by will, trust or other disposition, grants, loans, and other monetary aids from any personal source or to participate in any other way in any federal, state or local governmental programs in carrying out the purposes of this part;

(8) To impose reasonable requirements on the eligibility of individuals to be designated as beneficiaries of tuition contracts, including without limitation, residency and age requirements;

(9) To impose reasonable limits on the number of contract participants in the program at any given period of time;

(10) To impose and collect application fees and other administrative fees and charges in connection with any transaction under this part;

(11) To impose limits on the number of units which may be purchased on behalf of any beneficiary;

(12) To impose restrictions on the substitution of another individual for the original beneficiary;

(13) To define the terms and conditions under which payments may be withdrawn from the program and to impose reasonable charges for such withdrawal;

(14) To impose reasonable time limits on the use of the tuition benefits provided by the program; and

(15) To promulgate reasonable substantive and procedural rules as are necessary to carry out the purpose and

intent of this part. Such rules shall be adopted pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

49-7-806. Plan for the Sale of Tuition Units. The board shall develop a plan for the sale of tuition units. The board shall determine annually the weighted average tuition of Tennessee's four-year public universities in the academic year that begins on or after the first day of August of the then current calendar year, and shall establish the price of a tuition unit in the ensuing sales period. Such price shall be based on sound actuarial principles, and shall, to the extent actuarially possible, reasonably approximate one percent (1%) of the weighted average tuition for the academic year, plus the costs of administering the tuition unit program and any amount necessary to ensure the program remains actuarially sound. The sales period to which such price applies shall consist of twelve (12) months, and the board shall establish the date on which the sales period begins. The board may impose and collect additional administrative fees and charges in connection with the sale of tuition units. To promote the purchase of tuition units and in accordance with actuarially sound principles, the board may adjust the sales price as part of incentive programs.

49-7-807. Tuition payment contracts. (a) The board may enter into a tuition contract with a purchaser for the purchase of tuition units on behalf of a beneficiary. A tuition contract shall allow the purchaser to purchase tuition units on behalf of a beneficiary at the price determined by the board pursuant to § 49-7-806 for the year in which the tuition unit is purchased. Each tuition unit purchased on behalf of a beneficiary shall entitle the beneficiary to an amount equal to one percent (1%) of the weighted average tuition during the academic term in which it is used.

(b) The following information shall be disclosed in writing to each purchaser of tuition units:

- (1) The terms and conditions for purchasing tuition units;
- (2) The name and date of birth of the beneficiary of the contract, and the terms and conditions under which another person may be substituted as the beneficiary;
- (3) The person entitled to terminate the contract;
- (4) The terms and conditions under which the contract may be terminated and the amount of the refund, if any, to which the person terminating the contract, or that person's designee, is entitled upon termination;

(5) The method by which tuition units shall be applied toward payment of tuition if in any academic term the beneficiary is a part-time student;

(6) The period of time during which the beneficiary must claim benefits through the program;

(7) The obligation of the board to make payments on behalf of a beneficiary under subsection (a) of this section based upon the number of tuition units purchased on behalf of the beneficiary;

(8) The terms and conditions under which money may be wholly or partially withdrawn from the program, including, but not limited to, any reasonable charges and fees that may be imposed for withdrawal;

(9) The obligation of the board to pay directly to the institution of higher education in which the beneficiary is enrolled the amount represented by the tuition units being used that term; and

(10) Such other terms, conditions, and provisions the board considers, in its sole discretion, to be necessary or appropriate.

49-7-808. No promise or guarantee of admission. (a) Nothing in this part nor in a tuition contract entered into pursuant to this part shall be construed as a promise or guarantee by the state, the board or any institution of higher education that a beneficiary will:

(1) be admitted to an institution of higher education or to a particular institution of higher education;

(2) be allowed to continue to attend an institution of higher education after having been admitted; or

(3) graduate from an institution of higher education.

(b) Each tuition unit shall cover the cost of the beneficiary's tuition in an amount no greater than one percent (1%) of the weighted average tuition in effect at Tennessee's four-year public universities at the time of use.

49-7-809. Contract Termination or Refund. (a)(1) A tuition contract may be terminated under any of the following conditions upon written request to the board by the person or combination of persons authorized to do so in the contract:

(A) the death or permanent disability of the beneficiary;

(B) the beneficiary is age eighteen (18) or older and has decided not to attend an institution of higher education;

(C) the beneficiary has completed the requirements for a degree that is less than a bachelor's degree at an institution of higher education and the beneficiary does not plan to pursue further education;

(D) the beneficiary has completed the bachelor's degree requirements at an institution of higher education; or

(E) the beneficiary has completed the bachelor's degree requirements at an institution of higher education in fewer than twelve (12) quarters, eight (8) semesters, or their equivalent.

(2) A tuition contract may also be terminated upon the occurrence of other circumstances determined by the board to be grounds for termination.

(b) The board shall determine the amount of the refund to which the person designated in the contract is entitled upon a contract termination. Except for refunds made pursuant to § 49-7-822, the amount of such refund shall not be less than the total purchase price of all tuition units purchased for the beneficiary and not used.

(c) The board shall further determine the method and schedule for payment of refunds upon termination of a tuition contract.

(d) If a beneficiary is the recipient of a scholarship, a waiver of tuition, or similar subvention that the board determines cannot be converted into money by the beneficiary, the board shall, during each academic term that the beneficiary furnishes the board such information about the scholarship, waiver or similar subvention as the board requires, refund to the person designated in the contract an amount determined by the board pursuant to subsection (b) of this section; provided that such amount shall not be less than the total purchase price of the tuition units that are not needed on account of the scholarship, waiver, or similar subvention for that term at the institution of higher education where the beneficiary is enrolled. The board may, at its sole option, designate the institution of higher education at which the beneficiary is enrolled as the agent of the board for purposes of refunds pursuant to this subsection (d).

(e) If, in any academic term for which tuition units have been used to pay all or part of a beneficiary's tuition, the beneficiary withdraws from the institution of higher education at which the beneficiary is enrolled prior to the end of the academic term, a pro rata share of any refund of tuition as a result of the withdrawal equal

to that portion of the tuition paid with tuition units shall be made to the board, unless the board designates a different procedure. The board shall credit any refund received, less any reasonable charges and fees provided for by the board, to the appropriate account established pursuant to § 49-7-810(b).

(f) If, after a specified period of time, the contract has not been terminated nor the beneficiary's rights exercised, the board may terminate the contract and report the refund amount to the state treasurer pursuant to Title 66, Chapter 29, Part 1. The refund amount shall be determined by the board pursuant to subsection (b) of this section. Prior to any such termination, the board shall make a reasonable effort to contact the purchaser, the beneficiary, and any person designated in the contract to act on behalf of the purchaser or the beneficiary.

49-7-810. Creation of the Tennessee Baccalaureate Education System Trust Fund.

(a) There is hereby created the Tennessee baccalaureate education system trust fund. The trust fund shall consist of payments received by the board from purchasers on behalf of beneficiaries or from any other source, public or private; all interest and investment income earned by the fund; any monetary gift of any nature made by any individual by testamentary disposition, including without limitation, any specific monetary gift or bequeath made by will, trust or other disposition; and all other receipts of the board from any other source which the board determines appropriate. The fund may be divided into separate accounts as may be determined by the board.

(b) The board shall maintain an account for each tuition contract showing the beneficiary of that contract and the number of tuition units purchased pursuant to that contract.

(c) The assets of the fund shall be preserved, invested and expended solely pursuant to and for the purposes of this part and shall not be loaned or otherwise transferred or used for any other purpose. The assets of the fund shall be expended solely:

(1) to make payments to institutions of higher education on behalf of beneficiaries pursuant to § 49-7-807(a);

(2) to make refunds as provided in § 49-7-809;
and

(3) to pay the investment fees and other costs of administering the fund.

49-7-811. Custodian of funds - Disbursements. The state treasurer shall be the custodian of the trust fund, and the facilities and employees of the state treasurer shall be used and employed in the administration of the fund including, but not limited to, the keeping of records, the management of bank accounts and other investments, the transfer of funds, and the safekeeping of securities evidencing investments.

49-7-812. Investments. The board shall establish the investment policy for the trust fund. The board may authorize assets of the trust fund to be invested in any instrument, obligation, security, or property that constitutes legal investments for assets of the Tennessee consolidated retirement system. The board may authorize assets of the fund to be pooled for investment purposes with the assets of the Tennessee consolidated retirement system or any other assets under the custody of the state treasurer.

49-7-813. Powers of fund trustees. Subject to the limitations in § 49-7-812, the board, or its nominee, has full power to hold, purchase, sell, assign, transfer, or dispose of any of the securities or investments in which the assets of the fund have been invested as well as of the proceeds of such investments and any moneys belonging to the fund.

49-7-814. Transaction of business - Nominees. All of the board's business shall be transacted, all of its funds invested, all warrants for money drawn, any payments made, and all of its cash and securities and other property shall be held:

(1) In the name of the board;

(2) In the name of its nominee; provided, that the nominee is authorized by board resolution solely for the purpose of facilitating the transfer of securities and restricted to members of the board, or a partnership composed of any such members; or

(3) For the account of the board or its nominee in such forms as are standard in the investment community for the timely transaction of business or ownership identification, such as book entry accounts.

49-7-815. Personal interest in investments prohibited. Except as otherwise provided, no board member nor employee of the board shall have any personal interest in the gains or profits of any investment made by the board; nor shall any board member or

employee of the board, directly or indirectly, for such member or employee or as an agent, in any manner for such member or employee or as an agent, in any manner use the same except to make such current and necessary payments as are authorized by the board; nor shall any member or employee of the board become an endorser or surety, or in any manner an obligor, for money loaned to or borrowed from the board.

49-7-816. Delegation to treasurer of implementation of policy.

(a) Implementation of the policy established by the board may be delegated by the board to the state treasurer who shall put such policy into effect.

(b) Subject to the delegation of the board, the state treasurer shall have full power to invest and reinvest the assets of the trust fund.

49-7-817. Authorization to contract for investment management services.

(a) Notwithstanding any other provision of the law to the contrary, the board may, at its option, contract for investment management services for the assets of the trust fund and to provide for the powers, duties, functions and compensation of any investment managers so engaged. Any contract for such investment management services shall be procured in the manner prescribed by the board.

(b) All expenses and fees incidental to such outside investment management may, at the board's sole discretion, be charged to and paid from the earnings of the fund.

49-7-818. Actuarial soundness of fund.

(a) The board shall obtain appropriate actuarial assistance to establish, and maintain, and certify a fund sufficient to defray the obligation of the trust fund. The actuary shall recommend to the board, and the board shall adopt actuarial assumptions and appropriate actuarial tables for use in all calculations in connection with the program.

(b) At least once in each six (6) year period, the actuary shall make an actuarial investigation into the assumptions and tables used in the program, and taking into account the results of such investigation, the board shall adopt for the program such actuarial assumptions and tables as are deemed necessary.

(c) The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuation of the fund and for checking the experience of the program.

(d) On the basis of such tables and assumptions as the board of trustees shall adopt, the actuary shall make a valuation, at least once each year, of the assets and liabilities of the fund.

49-7-819. Cooperation from other state agencies. The board may call upon other departments and agencies of this state for assistance in carrying out the purpose and intent of this part, including, but not limited to, the office of vital records.

Notwithstanding any other provision of law to the contrary, the office of vital records shall provide to the board, without charge, vital records' information.

49-7-820. Exemption of assets and benefits from taxation, execution, garnishment and assignment. All property, cash and assets of the fund, and all tuition contracts and the units purchased pursuant thereto are exempt from any state, county, or municipal tax, and shall not be subject to execution, attachment, garnishment, the operation of bankruptcy, the insolvency laws or other process whatsoever, nor shall any assignment thereof be enforceable in any court.

49-7-821. Termination or modification of program. If the board determines the program is, for any reason, financially unfeasible, or is not beneficial to the citizens of this state or to the state itself, the board may suspend or terminate the program immediately.

49-7-822. Effect of termination of program on contract.

(a) Unless otherwise provided by the board, a tuition contract remains in effect after the program is terminated if, when the program is terminated, the beneficiary:

(1) has been accepted by or is enrolled in an institution of higher education; or

(2) is projected to graduate from high school not later than the third anniversary of the date the program is terminated.

(b) A tuition contract terminates when the program is terminated if the contract does not remain in effect under subsection (a) of this section. In such event, a refund shall be made to the person designated in the contract to receive the

same. The amount of any such refund shall be determined by the board.

(c) Any assets remaining after all obligations of this section and the costs of administering the program have been satisfied shall be transferred to the state general fund.

49-7-823. Ruling requests.

(a) The board shall request rulings from:

(1) the Internal Revenue Service regarding the tax consequences to the program, and to the purchasers and beneficiaries of the tuition contracts; and

(2) the Securities and Exchange Commission regarding the application of federal securities laws to the fund.

(b) Implementation of the program shall not be contingent upon the receipt of such rulings.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, provided that no funds shall be received or tuition contracts entered into until such time as the board shall determine.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2946 by adding the following new sentence at the end of Section 49-7-803 in SECTION 1 of Amendment No. 1:

It is the legislative intent that the tuition program be funded from fees assessed in accordance with Section 49-7-805(10).

AND FURTHER AMEND by deleting from Section 49-7-804(a), in Section 1 thereof the words and figure "seven (7)" and by substituting instead the words and figure "eight (8)".

AND FURTHER AMEND by redesignating Section 3 as Section 4 and by inserting the following as a new Section 3:

SECTION 3. Implementation of the provisions of this act shall be subject to funding being provided in the general appropriations act.

On motion, Amendment No. 2 was adopted.

Rep. Byrd moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2946 by deleting subdivisions (14) and (15) from Section 49-7-805 in Section 1 thereof and by substituting instead the following:

(14) to impose reasonable time limits on the use of the tuition benefits provided by the program;

(15) To promulgate reasonable substantive and procedural rules as are necessary to carry out the purpose and intent of this part. Such rules shall be adopted pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; and

(16) To enter into agreements with any agency of the state under which a state employee may agree to have a designated amount deducted in each payroll period from the wages or salary due the employee for the purpose of purchasing tuition units pursuant to a tuition contract.

On motion, Amendment No. 3 was adopted.

Rep. Byrd moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 2946 by adding the following as a new section to precede the effective date section:

SECTION ____ . Tennessee Code Annotated, Section 4-29-219(a), is amended by adding a new item thereto, as follows:

() Board of trustees of the baccalaureate education system trust fund program;

On motion, Amendment No. 4 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Byrd moved that **House Bill No. 2946**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
 Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1625 -- Pari-mutuel Betting - Authorizes local government to call referendum on whether pari-mutuel betting on horse racing will be permitted at satellite simulcast teletheaters located in such local government. Amends TCA 4-36-103, 302, 303, 306(b)(2), (3), 401, by *Jones R (Shelby), *Jones U (Shelby), *Miller L, *Stamps, *Kent, *Davis, *Huskey, *DeBerry L, *Turner (Shelby). (*SB927 by *Ford J)

Further consideration of House Bill No. 1625, previously considered on May 18, 1995, May 22, 1995, May 24, 1995, at which time the House adopted Amendment(s) No(s). 1, 2, 4 and 5. The House further considered House Bill No. 1625 on May 25, 1995 and May 26, 1995, at which time the House adopted Amendment No. 9, the bill failed, was re-referred to the Calendar and Rules Committee and reset to today's Calendar.

On motion, House Bill No. 1625 was made to conform with **Senate Bill No. 927**; the Senate Bill was substituted for the House Bill.

Rep. Jones R (Shelby) moved that Senate Bill No. 927, be passed on third and final consideration.

Rep. Jones U (Shelby) moved the previous question, which motion prevailed.

Rep. Jones R (Shelby) moved that **Senate Bill No. 927**, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 53
 Noes 38
 Present and not voting..... 1

Representatives voting aye were: Armstrong, Arriola, Bittle, Bowers, Bragg, Brooks, Brown, Callicott, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davis, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Givens, Gunnels, Haley, Hassell, Head, Hicks, Huskey,

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Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Langster, McKee, McMillan, Miller, Napier, Odom, Phelan, Pinion, Pruitt, Robinson, Stamps, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, Whitson, Williams (Williamson), Mr. Speaker Naifeh -- 53.

Representatives voting no were: Beavers, Bird, Boyer, Buck, Burchett, Byrd, Clabough, Cross, Davidson, Duer, Dunn, Ford, Fowlkes, Halteman Harwell, Hargrove, Herron, Kerr, Lewis, McAfee, McDaniel, McDonald, Patton, Peach, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stulce, Walley, White, Williams (Union), Windle, Wood - 38.

Representatives present and not voting were: Newton -- 1.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2310** -- Health - Urges insurance providers providing coverage for pregnancy to provide information to policyholders or enrollees on necessity of obtaining prenatal care and importance of diet and lifestyle during pregnancy. Amends TCA Title 56; Title 63; Title 68 and Title 71. by *Chumney, *Brown, *Jones, S., *Pruitt, *McMillan, *Brooks, *Langster. (SB2453 by *Dixon, *Harper)

Rep. Chumney moved that House Bill No. 2310 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 2926 -- Managed Care Organizations - Requires commissioners of human services and finance and administration to prepare list of all physicians and pharmacists who have contracted with managed care organization. by *Chumney. (*SB2657 by *Person)

Rep. Chumney moved that House Bill No(s). 2926 be reset to the Regular Calendar for April 25, 1996, which motion prevailed.

House Bill No. 2364 -- Insurance, Health, Accident - Requires health insurance, policy or plan providing maternity benefits to provide coverage for 48 hours of in-patient care for vaginal delivery and 96 hours for C-section; length of stay not required if post-delivery care provided in home unless physician deems it medically necessary or requested by mother. Amends TCA Title 56, Chapter 7, Part 25. by *Turner (Hamilton), *Eckles, *DeBerry L, *Jones, S., *Pruitt, *Brooks. (*SB2379 by *Crutchfield)

Rep. Turner(Hamilton) moved that House Bill No. 2364 be passed on third and final consideration.

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On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2364 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. (a) The general assembly finds that Tennesseans are increasingly concerned that mothers and newborns receive proper medical care prior to hospital discharge. The general assembly further finds that the lack of proper medical care jeopardizes the health, safety and well-being of such mothers and newborns and may result in serious, costly repercussions not only for such mothers and newborns but also for the entire state. The general assembly, therefore, finds and declares the existence of an immediate and substantial threat to the public health, safety and welfare. The general assembly hereby acknowledges and endorses the recently promulgated emergency rules of the department of finance and administration and the department of commerce and insurance to timely address these important concerns.

(b) In accordance with the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5, the department of commerce and insurance and the department of finance and administration are authorized to promulgate permanent rules establishing minimum standards of coverage for maternity benefits offered by insurers. Such rules will establish standards sufficient to protect and promote the health, safety and well-being of both and the post-partum mothers and her newborn and recognize the relationship between the mother and physician.

Section _____. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Haley moved the previous question on Amendment No. 2, which motion prevailed.

On motion, Amendment No. 2 was adopted.

Rep. Turner(Hamilton) moved that **House Bill No. 2364**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 82
Noes 7

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Boyer, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cross, Curtiss,

Davidson, Davis, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 82.

Representatives voting no were: Arriola, Bowers, Bragg, Brooks, Brown, Chumney, McMillan -- 7.

A motion to reconsider was tabled.

House Bill No. 2712 -- Education - Establishes requirements for LEA, unlicensed employee or volunteer to assist in self-administration of medication by students and/or to carry out delegated health care activity for students. Amends TCA Title 49, Chapter 5. by *Turner (Hamilton). (*SB2908 by *Crutchfield)

Rep. Turner (Hamilton) moved that House Bill No. 2712 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 2712 by deleting Section 1 of the printed bill and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, is amended by adding the following as a new, appropriately designated section:

Section 49-5-____. (a) Notwithstanding the provisions of any law, policy, or guideline to the contrary, a local board of education or a governing board for a non-public school may permit an employee or a person under contract to the board to assist in self-administration of oral medication, under the following conditions:

- (1) The student must be competent to self-administer non-prescription and prescription oral medication with assistance;
- (2) The student's condition, for which oral medication is authorized and/or prescribed, must be stable;
- (3) The self-administration of the oral medication must be properly documented;

(4) Guidelines, not inconsistent with this section, for the assistance in self-administration of non-prescription and/or prescription oral medication by personnel in the school setting, developed by the departments of health and education and approved by the board of nursing, must be followed; and

(5) The student's parent or guardian must give permission in writing for school personnel to assist with self-administration of oral medication. Such written permission shall be kept in the student's school records.

(b) Health care procedures including administration of medications to students during the school day or at related events shall be performed by appropriately licensed health care professionals in accordance with applicable guidelines of their respective regulatory boards and in conformity with policies and rules of local boards of education or governing boards of non-public schools. The student's parent or guardian must give permission in writing for appropriately licensed health care professionals to perform health care procedures and administer medications. Such written permission shall be kept in the student's school records.

(c) Any person supervising or assisting in self-administration of medication or performing health care procedures including administration of medications under this section and any local board of education or governing board for a non-public school authorizing the same shall not be liable in any court of law for injury resulting from the reasonable and prudent assistance in the self-administration of such medication or the reasonable performance of the health care procedures including administration of medications, if performed pursuant to the policies and guidelines developed by the applicable regulatory and/or governing boards or agencies.

On motion, Amendment No. 1 was adopted.

Rep. Turner(Hamilton) moved that **House Bill No. 2712**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 85
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Newton, Odom, Patton, Peach, Phelan, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner

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(Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 85.

A motion to reconsider was tabled.

House Bill No. 1853 -- County Boundaries - Establishes portion of county line between Carroll and Henry counties from point line intersects east line from Weakley County to point line crosses center of S.R. 76. by *Phelan, *Herron. (*SB1841 by *Carter, *Hamilton)

On motion, House Bill No. 1853 was made to conform with **Senate Bill No. 1841**; the Senate Bill was substituted for the House Bill.

Rep. Phelan moved that Senate Bill No. 1841 be passed on third and final consideration.

Rep. Herron moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1841 by deleting from Section 1 the words "The county line", and by substituting instead the language "Unless the line is adjusted in the manner established in Sections 2 and 3 of this act, on October 1, 1996, the county line".

by deleting Section 2 in its entirety, and by substituting instead the following language:

SECTION 2. Within ninety (90) days of the effective date of this act, the county executive of Carroll County and the county executive of Henry County shall mutually agree on an independent surveyor to confirm the accuracy of the line established and described in Section 1.

If the two (2) county executives fail to reach agreement on an independent surveyor within such ninety (90) day period, the county executive of Carroll County shall select a surveyor and the county executive of Henry County shall select a surveyor. Any cost associated with the two (2) surveyors so selected shall be borne by the respective county. Such two (2) surveyors shall mutually agree on an independent surveyor to confirm the accuracy of the line established and described in Section 1.

SECTION 3. If the line established in the survey authorized in Section 2 deviates by less than fifty (50) feet from the line established and described in Section 1, the line so established and described in Section 1 shall be the county line between Carroll and Henry counties.

If the line established in the survey authorized in Section 2 deviates by more than fifty (50) feet from the line established and described in Section 1, the line established by the survey authorized in Section 2 shall be the county line between Carroll and Henry counties. A copy of such survey indicating the county line so established between Carroll and Henry counties shall be filed in the division of property assessments in the office of the comptroller of the treasury. A copy of such survey shall also be filed in the office of the assessor of property in Carroll and Henry Counties.

SECTION 4. Except as provided in Section 2, the expenses of the survey authorized by this act shall be paid by the office of the comptroller of the treasury of the state of Tennessee.

SECTION 5. That portion of the county boundary line between Carroll and Henry Counties as provided in this act shall not be subject to change unless the county legislative bodies of each of the counties of Carroll and Henry by resolution adopted by two-thirds (2/3) vote mutually agree to the change submitted to the general assembly.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Phelan moved that **Senate Bill No. 1841**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1598 -- Private Investigators - Eliminates private investigation commission. Amends TCA Title 4, Chapter 29; Title 62, Chapter 26. by *Rigsby, *Lewis, *Rhinehart, *Phillips. (*SB1629 by *Cooper)

Rep. Rigsby moved that House Bill No(s). 1598 be reset to the Regular Calendar for April 25, 1996, which motion prevailed.

House Bill No. 3138 -- Taxes, Sales - Exempts insulin pumps from sales and use tax Amends TCA Title 67, Chapter 6. by *Fowlkes, *Beavers. (*SB3061 by *Jordan)

Rep. Fowlkes moved that House Bill No. 3138 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 3138 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 67, Chapter 6, Part 3, is amended by adding the following new section:

Section ____ There is exempt from the sales and use tax imposed by this chapter the sale of commemorative bricks by the Tennessee Bicentennial Commission or Tennessee 200, a not-for-profit corporation created by such commission pursuant to the provisions of Tennessee Code Annotated, Title 4, Chapter 44.

Section 2. This act shall take effect on becoming a law, the public welfare requiring it and shall be retroactive to October 31, 1994.

On motion, Amendment No. 1 was adopted.

Rep. Fowlkes moved that **House Bill No. 3138**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2928 -- Eminent Domain - Requires approval of county legislative body where property located if municipality condemns property outside county or county in which municipality located. Amends TCA Title 6, Chapter 54, Part 1. by *Roach, *Davis, *Rhinehart, *Davidson, *Cole (Dyer), *Phelan, *Callicott, *Head, *Givens, *Williams (Union), *Whitson, *Sharp, *Cross, *Pinion, *Cantrell, *Newton, *Beavers, *Ramsey, *Eckles, *Napier, *Kisber, *Huskey, *McKee, *Clabough, *Kerr, *Bell, *McDaniel. (*SB2691 by *Wallace, *Wallace)

On motion, House Bill No. 2928 was made to conform with **Senate Bill No. 2691**; the Senate Bill was substituted for the House Bill.

Rep. Roach moved that Senate Bill No. 2691, be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State & Local Government Committee Amendment No. 1.

On motion, Rep. Jones R (Shelby) withdrew State & Local Government Committee Amendment No. 2.

Rep. Ford moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 2691 by deleting from Section 1(a) the date "May 1, 1995" wherever it may appear and substituting instead the date "June 1, 1995".

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. West moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes.....	63
Noes	22
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Buck, Burchett, Byrd, Callicott, Churney, Cole (Carter), Cole (Dyer), Cross, Davidson, Davis, DeBerry, J., Duer, Fitzhugh, Fowlkes, Givens, Head, Herron, Hicks, Huskey, Jackson, Jones, U. (Shelby), Joyce, Kent, Kisber, McDonald, McKee, McMillan, Miller, Napier, Newton, Phelan, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Sharp, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable,

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Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 63.

Representatives voting no were: Bragg, Brooks, Brown, Cantrell, Clabough, Curtiss, DeBerry, L., Dunn, Ford, Haley, Halteman Harwell, Hassell, Jones, R. (Shelby), Jones, S., Kerr, Langster, Lewis, Patton, Peach, Purcell, Ritchie, Stamps -- 22.

Representatives present and not voting were: McDaniel, Pinion -- 2.

Rep. Ford moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 2691 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply to any municipality in any county having a population of not less than nor more than fifty thousand six hundred (50,600) according to the 1990 federal census or any subsequent federal census.

Amendment No. 4 failed for lack of a second.

Rep. Kisber moved the previous question, which motion prevailed.

Rep. Roach moved that **Senate Bill No. 2691**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	1
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Ford -- 1.

Representatives present and not voting were: Brooks, Jones, U. (Shelby) -- 2.

A motion to reconsider was tabled.

House Bill No. 2484 -- Insurance, Health, Accident - Enacts "Bone Mass Measurement Coverage Act of 1996." by *Bowers, *Jones U (Shelby), *Jones, S., *Brooks, *Miller L, *Pruitt, *Brown, *Jones R (Shelby), *DeBerry J. (*SB2833 by *Harper)

Rep. Bowers moved that House Bill No. 2484 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 2484 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. This act shall be known and may be cited as the "Bone Mass Measurement Coverage Act".

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 7, Part 25, is amended by adding Sections 3 and 4 of this act as new, appropriately numbered sections.

SECTION 3.

(a) The general assembly hereby finds the following:

(1) Osteoporosis affects 25 million Americans and each year results in 1.5 million fractures of the hip, spine, wrist, and other bones, costing the nation at least \$18 billion;

(2) Osteoporosis progresses silently, in most cases undiagnosed until a fracture occurs, and once a fracture occurs, the disease is already advanced, and the likelihood is high that another fracture will occur;

(3) One (1) in two (2) women and one (1) in five (5) men will suffer a fracture due to osteoporosis in their lifetime;

(4) Because osteoporosis progresses silently and currently has no cure, early diagnosis, and treatment are key to reducing the prevalence and devastation of this disease;

(5) Medical experts agree that osteoporosis is preventable and treatable; however, once the disease progresses to the point of fracture its associated

consequences often lead to disability and institutionalization, and exact a heavy toll on the quality of life;

(6) Given the current national focus on health care reform and reducing unnecessary health care expenditures through the use of health promotion programs, mandating coverage of services, such as bone mass measurement, related to early diagnosis, and timely treatment of osteoporosis is a cost-effective approach for Tennessee to embrace;

(7) Bone mass measurement is a reliable way to detect the presence of low bone mass and to ascertain the extent of bone loss to help assess the individual's risk for fracture, and this aids in selecting appropriate therapies and interventions; ordinary x-rays are not sensitive enough to detect osteoporosis until twenty-five to forty percent (25-40%) of bone mass has been lost, and the disease is far advanced;

(8) While there are currently available technologies for bone mass measurement, other technologies for measuring bone mass are under investigation and may become scientifically proven technologies in the future; and

(9) Scientifically proven technologies for bone mass measurement and other services related to the diagnosis, and treatment of osteoporosis can be used effectively to reduce the pain and financial burden that osteoporosis inflicts upon its victims.

(b) The purpose of this act is to provide coverage to individuals with a condition or medical history for which bone mass measurement (bone density testing) is determined to be medically necessary for the individual's attending physician or primary care provider for the diagnosis and treatment of osteoporosis.

SECTION 4.

(a) Any individual, franchise, blanket or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society, or health maintenance organization which provides coverage for accident and health services, and which is delivered, issued for delivery, amended or renewed on or after July 1, 1996, shall also provide coverage for a qualified individual for scientifically proven bone mass measurement (bone density testing) for the diagnosis and treatment of osteoporosis.

(b) Any increase in expenditure requirements on a municipality or a county resulting from the provisions of this section shall be

appropriated from funds that such municipality or county receives from the state-shared taxes that are not earmarked by statute for a particular purpose.

(c) The provisions of this section do not apply to short-term travel, long-term care, credit insurance, dental insurance, disability income, medical surgical supplemental insurance, vision insurance, hospital indemnity, accident-only limited or specified disease policies, or to short-term nonrenewable policies of not more than six (6) months duration.

(d) For the purposes of this section:

(1) "Bone mass measurement" means a radiologic or radioisotopic procedure or other scientifically proven technologies performed on an individual for the purpose of identifying bone mass or detecting bone loss.

(2) "Qualified individual" means a person with a condition for which bone mass measurement is determined to be medically necessary by the person's attending physician or primary care physician.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2484 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. This act shall be known and may be cited as the "Bone Mass Measurement Coverage Act".

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 7, Part 25, is amended by adding Sections 3 and 4 of this act as new, appropriately numbered sections.

SECTION 3.

(a) The general assembly hereby finds the following:

(1) Osteoporosis affects 25 million Americans and each year results in 1.5 million fractures of the hip, spine, wrist, and other bones, costing the nation at least \$18 billion;

(2) Osteoporosis progresses silently, in most cases undiagnosed until a fracture occurs, and once a fracture occurs, the disease is already advanced, and the likelihood is high that another fracture will occur;

(3) One (1) in two (2) women and one (1) in five (5) men will suffer a fracture due to osteoporosis in their lifetime;

(4) Because osteoporosis progresses silently and currently has no cure, early diagnosis, and treatment are key to reducing the prevalence and devastation of this disease;

(5) Medical experts agree that osteoporosis is preventable and treatable; however, once the disease progresses to the point of fracture its associated consequences often lead to disability and institutionalization, and exact a heavy toll on the quality of life;

(6) Given the current national focus on health care reform and the reduction of unnecessary health care expenditures through the use of health promotion programs, bone mass measurement, related to the early diagnosis and the timely treatment of osteoporosis is a cost effective approach for Tennessee to embrace;

(7) Bone mass measurement is a reliable way to detect the presence of low bone mass and to ascertain the extent of bone loss to help assess the individual's risk for fracture, and this aids in selecting appropriate therapies and interventions; ordinary x-rays are not sensitive enough to detect osteoporosis until twenty-five to forty percent (25-40%) of bone mass has been lost, and the disease is far advanced;

(8) While there are currently available technologies for bone mass measurement, other technologies for measuring bone mass are under investigation and may become scientifically proven technologies in the future; and

(9) Scientifically proven technologies for bone mass measurement and other services related to the diagnosis and treatment of osteoporosis can be used effectively to reduce the pain and financial burden that osteoporosis inflicts upon its victims.

(b) The purpose of this act is to provide coverage to individuals with a condition or medical history for which bone mass measurement (bone density testing) is determined to be medically necessary for the individual's attending physician or primary care provider for the diagnosis and treatment of osteoporosis.

SECTION 4.

(a) Any individual, franchise, blanket or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society, or health maintenance organization which provides coverage for accident and health services, and which is delivered, issued for delivery, amended or renewed on or after July 1, 1996, shall also provide coverage for a qualified individual for scientifically proven bone mass measurement (bone density testing) for the diagnosis and treatment of osteoporosis.

(b) Any increase in expenditure requirements on a municipality or a county resulting from the provisions of this section shall be appropriated from funds that such municipality or county receives from the state-shared taxes that are not earmarked by statute for a particular purpose.

(c) The provisions of this section do not apply to short-term travel, long-term care, credit insurance, dental insurance, disability income, medical surgical supplemental insurance, vision insurance, hospital indemnity, accident-only limited or specified disease policies, or to short-term nonrenewable policies of not more than six (6) months duration.

(d) For the purposes of this section:

(1) "Bone mass measurement" means a radiologic or radioisotopic procedure or other scientifically proven technologies performed on an individual for the purpose of identifying bone mass or detecting bone loss.

(2) "Qualified individual" means a person with a condition for which bone mass measurement is determined to be medically necessary by the person's attending physician or primary care physician.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

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Rep. Bowers moved that **House Bill No. 2484**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 168 --** Medical Occupations - Enacts "Hypnotherapist Registration Act." Amends TCA Titles 4, 63. by *Odom. (SB648 by *Rice)

Further consideration of House Bill No. 168, previously considered on April 1, 1996, April 4, 1996, April 17, 1996, and April 18, 1996, at which time the question had been called on the motion to adopt Amendment No. 1.

Rep. Odom moved that House Bill No(s). 168 be reset to the next available space on the next available Regular Calendar on April 25, 1996, which motion prevailed.

House Bill No. 2560 -- Tennessee Arts Commission - Requires commission to be official agency to receive and disburse funds from federal government for programs in cultural arts, in addition to performing, visual and literary arts and preservation of architecture art and artifacts. Amends TCA Title 4, Chapter 20. by *DeBerry J, *Bowers, *Miller L. (*SB2906 by *Cohen)

Further consideration of House Bill No. 2560, previously considered on April 15, 1996 and April 18, 1996, at which time the House withdrew Amendment No. 1 and adopted Amendment No. 2, and reset to today's Calendar.

Rep. DeBerry L requested that House Bill No. 2560 be moved down 3 places on the Calendar.

***Senate Bill No. 495 --** Sunset Laws - Military affairs commission, June 30, 2002 Amends TCA Title 4, Chapters 29, 45. by *Haynes. (HB431 by *Kernell, *Garrett, *Brooks)

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Further consideration of Senate Bill No. 495, previously considered on April 18, 1996, and reset to today's Calendar.

Rep. Kemell requested that Senate Bill No. 495 be moved to the heel of the Calendar.

Senate Joint Resolution No. 328 -- Naming and Designating - Observe Ten Commandments, May 5-15, 1996, by *Atchley, *Koella, *Wright, *Fowler, *Rice, *Miller J, *Holcomb, *McNally, *Jordan, *Gilbert, *Person, *Elsea, *Carter, *Leatherwood, *Burks, *Hamilton, *Crowe, *Wilder, *O'Brien, *Haynes.

Rep. Peach moved that Senate Joint Resolution No. 328 be concurred in.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Joint Resolution No. 328 by deleting the preamble and resolving clauses as amended in their entirety and substituting instead the following new preamble and resolving clauses:

WHEREAS, the foundation of any government is law and morality;
and

WHEREAS, governments rely on the virtue of their citizens to
preserve domestic tranquillity; and

WHEREAS, the virtue and moral strength of the citizenry is the
principle guarantee of domestic tranquillity; and

WHEREAS, moral decline in society constitutes a threat to the
welfare of any state; and

WHEREAS, we have witnessed a breakdown in our own culture due
to neglect and disregard of these basic standards; and

WHEREAS, a return to these standards would greatly benefit all
people; and

WHEREAS, the 99th General Assembly continues to recognize the
protection that the U.S. Constitution provides against the establishment of a
state religion and affirms that constitutional principle as being consistent
with the doctrines of grace and faith through a sincere belief in God rather
than by the decree of law; and

WHEREAS, the 99th General Assembly also finds that the
constitutional protection of the freedom to worship was never intended to be

used to encourage a complete separation of the laws of our society from the moral principles upon which this nation and state were founded; and

WHEREAS, the Ten Commandments, perhaps the most revered tenets of the Judeo-Christian faiths, are the foundation and basis of many of our laws and are clearly one of the greatest embodiments of the core moral principles upon which our nation was founded; and

WHEREAS, other teachings of the Judeo-Christian faiths and of other faiths reflect the moral principles upon which our nation was founded; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the 99th General Assembly recognizes the historic and current importance of the Ten Commandments and the values embodied therein and encourages all citizens of Tennessee to recognize, honor and observe the fundamental tenets of their faith and further encourages all citizens to worship at the place of their own choosing toward the worthy ends of strengthening the moral fabric of our society, returning to the basic principles upon which our nation was founded, and giving our lives, our state and our nation a greater, higher purpose for existence.

Rep. Peach moved that Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes..... 37
Noes 51

Representatives voting aye were: Beavers, Bird, Bittle, Boyer, Burchett, Callicott, Cantrell, Clabough, Curtiss, Davis, Duer, Dunn, Ford, Gunnels, Haley, Halteman Harwell, Hassell, Huskey, Joyce, Kent, Kerr, McAfee, McDaniel, Newton, Patton, Peach, Ramsey, Sharp, Shirley, Stamps, Venable, Walley, Westmoreland, Whitson, Williams (Union), Windle, Wood -- 37.

Representatives voting no were: Armstrong, Arriola, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cole (Carter), Cole (Dyer), Davidson, DeBerry, J., DeBerry, L., Fitzhugh, Fowlkes, Givens, Hargrove, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kisber, Langster, McDonald, McMillan, Miller, Napier, Odom, Phelan, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams (Williamson), Mr. Speaker Naifeh -- 51.

Rep. Peach moved that Amendment No. 1 be read into the record. The Clerk read Amendment No. 1.

Rep. Jones R (Shelby) requested that Amendment No. 1 be moved to the heel of the Amendments.

Rep. Peach moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Joint Resolution No. 328 by deleting all language following the caption and by substituting instead the following:

WHEREAS, the foundation of any government is law and morality;
and

WHEREAS, governments rely on the virtue of their citizens to
preserve domestic tranquility; and

WHEREAS, moral decline in society constitutes a threat to the
welfare of any state; and

WHEREAS, we have witnessed a breakdown in our own culture due
to neglect and disregard of these basic standards; and

WHEREAS, a return to these standards would greatly benefit all
people; and

WHEREAS, the 99th General Assembly continues to recognize the
protection that the U.S. Constitution provides against the establishment of a
state religion and affirms that constitutional principle as being consistent
with the doctrines of grace and faith through a sincere belief in God rather
than by decree of law; and

WHEREAS, the 99th General Assembly also finds that the
constitutional protection of the freedom to worship was never intended to be
used to encourage a complete separation of the laws of our society from the
moral principles upon which this nation and state were founded; and

WHEREAS, the Ten Commandments, perhaps the most revered
tenets of the Judeo-Christian faiths, are the foundation and basis of many of
our laws and are clearly one to the greatest embodiments of the core moral
principles upon which our nation was founded; and

WHEREAS, other teachings of the Judeo-Christian faiths and of other
faiths reflect and expand upon the moral principles upon which our nation
was founded; and

WHEREAS, the Founding Fathers of our Republic respected the place
that the Ten Commandments occupy in the history of law and government;
now, therefore,

BE IT RESOLVED BY THE SENATE OF THE NINETY-NINTH GENERAL
ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES
CONCURRING, That the 99th General Assembly encourages all citizens of

Tennessee to remember the Ten Commandments as the historical foundation of our civil and criminal codes, as perhaps the most revered tenets of the Judeo-Christian faiths, and as the foundation of our nation's moral strength.

BE IT FURTHER RESOLVED, That the 99th General Assembly encourages all citizens of Tennessee to recognize, honor and observe the fundamental tenets of their faith that help maintain the foundation principles of law and morality.

BE IT FURTHER RESOLVED, That the 99th General Assembly encourages all citizens of Tennessee who recognize the precepts of the Ten Commandments to observe the Ten Commandments, teach them to their children, and display them in their homes, businesses and schools.

On motion, Amendment No. 2 was adopted.

Rep. Peach moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Joint Resolution No. 328 by adding the following new resolving clause after the first resolving clause:

BE IT FURTHER RESOLVED, That we hereby encourage citizens of Tennessee to remember the Ten Commandments, teach them to their children, and display them appropriately in their homes, businesses and schools, and that specific days be set aside to honor these Commandments.

Rep. Peach moved to reset Senate Joint Resolution No. 4 to the next Calendar. The motion was objected to and Rep. Peach withdrew the motion.

Rep. Peach moved to reset Amendment No. 3 to the heel of the Amendments. The motion was objected to and Rep. Peach withdrew the motion.

On motion, Amendment No. 3 was adopted.

Rep. Peach moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Peach moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1, which motion prevailed by the following vote:

Ayes.....	55
Noes	29

Representatives voting aye were: Armstrong, Arriola, Bowers, Bragg, Buck, Byrd, Callicott, Chumney, Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Fowlkes, Givens, Halteman Harwell, Hargrove, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kisber, Langster, Lewis,

McDonald, McMillan, Miller, Napier, Newton, Odom, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams (Williamson), Mr. Speaker Naifeh -- 55.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Cole (Carter), Davis, Duer, Dunn, Ford, Gunnels, Haley, Hassell, Huskey, Joyce, Kent, Kerr, McAfee, McDaniel, Peach, Ramsey, Sharp, Venable, Walley, Westmoreland, Whitson, Williams (Union), Windle, Wood -- 29.

A motion to reconsider was tabled.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Peach moved that **Senate Joint Resolution No. 328**, as amended, be concurred in, which motion prevailed by the following vote:

Ayes.....	93
Noes	1
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Peach, Sharp -- 2.

A motion to reconsider was tabled.

House Bill No. 2907 -- Marriage - Prohibits recognition of same sex marriages even if performed in other states Amends TCA Title 36, Chapter 3. by *Ritchie, *Dunn, *Newton, *Kerr, *Boyer, *McDaniel, *West, *Ramsey, *Ford S, *Beavers, *Williams (Union), *Stamps, *Shirley, *Venable, *Haley, *Callicott, *Duer, *Burchett, *Wood, *Byrd, *Fowlkes, *Halteman Harwel, *Sharp, *Arriola, *Whitson, *Peach, *Rinks, *Buck, *Winningham, *Phelan, *Givens, *Pinion, *Cross, *Ridgeway, *Westmoreland, *Rigsby, *Fitzhugh, *White, *Bell, *Phillips, *Bird, *Cantrell, *Jackson, *Walley, *Curtiss. (*SB2305 by *Holcomb, *Miller J, *Jordan, *Fowler, *Rice)

On motion, House Bill No. 2907 was made to conform with **Senate Bill No. 2305**; the Senate Bill was substituted for the House Bill.

Rep. Ritchie moved that Senate Bill No. 2305 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2305 by deleting all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 3, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section ____.

(a) Tennessee's marriage licensing laws reinforce, carry forward, and make explicit the long-standing public policy of this state to recognize the family, as essential to social and economic order, the common good and as the fundamental building block of our society. To that end it is further the public policy of this state that the historical institution and legal contract solemnizing the relationship of one (1) man and one (1) woman shall be the only legally recognized marital contract in this state in order to provide the unique and exclusive rights and privileges to marriage.

(b) The legal union in matrimony of only one (1) man and one (1) woman shall be the only recognized marriage in this state.

(c) Any policy, law, or judicial interpretation that purports to define marriage as anything other than the historical institution and legal contract between one (1) man and one (1) woman is contrary to the public policy of Tennessee.

(d) If another state or foreign jurisdiction issues a license for persons to marry which marriages are prohibited in this state, any such marriage shall be void and unenforceable in this state.

SECTION 2. Tennessee Code Annotated, Section 36-3-103(c)(1), is amended by adding the following language at the end of the subdivision:

A county clerk is prohibited from issuing a license for a marriage which is prohibited in this state.

SECTION 3. Tennessee Code Annotated, Section 36-3-111, is amended by adding the language "and the provisions of this act" between the language "36-3-110" and the words "and not".

SECTION 4. Tennessee Code Annotated, Section 36-3-306, is amended by adding the following language at the end of the section:

Provided, however, no marriage shall be valid, whether consummated by ceremony or otherwise, if the marriage is prohibited in this state.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Ritchie moved to amend as follows:

Amendment No. 1 to Amendment No. 1

AMEND Amendment No. 1 by deleting the first sentence from subsection (a) of Section 1 and by substituting instead the following:

Tennessee's marriage licensing laws reinforce, carry forward, and make explicit the long-standing public policy of this state to recognize the family as essential to social and economic order and the common good and as the fundamental building block of our society.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Ritchie moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No.2305 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

TUESDAY, APRIL 23, 1996 -- EIGHTY- EIGHTH LEGISLATIVE DAY

Rep. Ritchie moved that **Senate Bill No. 2305**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	91
Noes	1
Present and not voting.....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Bowers, Brooks, Pruitt -- 3.

A motion to reconsider was tabled.

House Bill No. 2560 -- Tennessee Arts Commission - Requires commission to be official agency to receive and disburse funds from federal government for programs in cultural arts, in addition to performing, visual and literary arts and preservation of architecture art and artifacts. Amends TCA Title 4, Chapter 20. by *DeBerry J, *Bowers, *Miller L. (*SB2906 by *Cohen)

Further consideration of House Bill No. 2560, previously considered on today's Calendar.

Rep. DeBerry J moved that House Bill No. 2560, as amended, be passed on third and final consideration.

Rep. DeBerry moved that the House reconsider its action in adopting Amendment No. 2, which motion prevailed.

Rep. DeBerry J moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. DeBerry J requested that House Bill No. 2560 be moved to the heel of the Calendar.

House Bill No. 2824 -- Workers' Compensation - Requires minimum of one employee to be covered for employers engaged in inherently dangerous activities; imposes duty on general contractor to determine if subcontractor is covered by workers' compensation insurance Amends TCA Title 50, Chapter 6. by *Ritchie. (*SB2974 by *Kyle)

Further consideration of House Bill No. 2824, previously considered on April 18, 1996, and reset to today's Calendar.

Rep. Ritchie moved that **House Bill No. 2824** be re-referred to the Committee on Calendar and Rules, which motion prevailed.

***House Bill No. 2755** -- Traffic Safety - Requires department of transportation to construct automatic warning devices at railroad crossing at Tipton Station Road in Knox County. Amends TCA Title 65, Chapter 11, Part 1. by *Ritchie. (SB2998 by *Atchley)

Further consideration of House Bill No. 2755, previously considered on April 18, 1996, and reset to today's Calendar.

Rep. Ritchie moved that House Bill No. 2755 be passed on third and final consideration.

Rep. Head moved the previous question, which motion prevailed.

Rep. Ritchie moved that **House Bill No. 2755** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	72
Noes	14
Present and not voting.....	4

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowkes, Givens, Halteman Harwell, Hargrove, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kisber, Langster, Lewis, McDaniel, McDonald, McMillan, Miller, Napier, Odom, Patton, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 72.

Representatives voting no were: Beavers, Clabough, Davis, Duer, Gunnels, Huskey, Kerr, Newton, Peach, Roach, Sharp, Shirley, Stamps, Wood -- 14.

Representatives present and not voting were: Haley, Hassell, Joyce, Whitson -- 4.

A motion to reconsider was tabled.

***House Bill No. 2289** -- Education, Higher - Allows LEAs to provide interest free loans to teachers seeking post-graduate degree in subject area or field in which they teach. Amends TCA Title 49, Chapter 5. by *Ritchie. (SB2821 by *Womack)

Further consideration of House Bill No. 2289, previously considered on April 18, 1996, and reset to today's Calendar.

Rep. Ritchie moved that House Bill No. 2289 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2289 by adding the following new language at the end of subsection (b) of the amendatory section in Section (1):

No state funds appropriated for education shall be obligated or expended to offer such interest-free loans.

On motion, Amendment No. 1 was adopted.

Rep. Ritchie moved that **House Bill No. 2289**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2270 -- Taxes, Real Property - Establishes 100 percent property tax exemption for property on National Register of Historic Places, owned by charitable institution, rented less than 120 days a year for two day events; proceeds from rentals used to maintain and upkeep property; applies to Ossili Circle in Knoxville. Amends TCA Title 67, Chapter 5, Part 2. by *Ritchie, *Armstrong. (*SB2232 by *Gilbert)

TUESDAY, APRIL 23, 1996 -- EIGHTY- EIGHTH LEGISLATIVE DAY

Further consideration of House Bill No. 2270, previously considered on April 18, 1996, and reset to today's Calendar.

On motion, House Bill No. 2270 was made to conform with **Senate Bill No. 2232**; the Senate Bill was substituted for the House Bill.

Rep. Ritchie moved that Senate Bill No. 2232, be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State & Local Government Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 2.

Rep. Bragg moved that the House reconsider its action in withdrawing Amendment No. 2, which motion prevailed.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2232 by deleting Sections 1 and 2 of the printed bill and substituting the following:

SECTION 1. The title of this act is, and may be cited as, the "Historic Properties Preservation Act".

SECTION 2. Tennessee Code Annotated, Title 67, Chapter 5, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section ____.(a) Subject to the application requirements of §67-5-212, property owned by a charitable institution shall have a one hundred percent (100%) exemption from property taxation if the property is:

- (1) On the National Register of Historical Places;
- (2) Used for occasional rentals which last for no more than two (2) days at a time per event;
- (3) Not rented out more than one hundred eighty (180) days per year, and the proceeds received from such rental periods must be used solely for the purposes of defraying the maintenance and upkeep of such property; and

(4) Has been owned and maintained by the charitable institution for at least ten (10) years prior to application for the exemption.

(b) The owner of such qualified property shall submit a comprehensive preservation and maintenance plan to the Historic Properties Review Board that demonstrates how the property tax savings will be applied to the preservation and maintenance of the property. Such plans shall meet the guidelines established by the Historic Properties Review Board.

(c) The tax exemption shall be valid for a ten (10) year period, however, the owner of the property may apply for additional exemption periods provided an updated preservation and maintenance plan is filed with the Historic Properties Review Board in accordance with its guidelines.

SECTION 3. The provisions of this act shall apply only to those counties which, by a two-thirds (2/3) vote of the governing body of the county, choose to come under its provisions.

Any incorporated municipality which desires to come under the provisions of this act may do so separately by a two-thirds (2/3) vote of its governing body. In that event, however, only the territory within the corporate bounds of the municipality shall be affected by the provisions of this act.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Ritchie moved the **Senate Bill No. 2232**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Shirley -- 1.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Purcell moved to suspend the rules to allow former Chief Clerk, David Welles approach the Clerk's Desk, which motion prevailed.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2445** -- Sexual Offenses - Increases amounts of various surcharges that convicted sex offenders are required to pay to clerks of court Amends TCA Title 39, Chapter 17, Part 7. by *Ritchie, *Williams (Union). (SB2731 by *Kyle)

Further consideration of House Bill No. 2445, previously considered on April 18, 1996, and reset to today's Calendar.

Rep. Ritchie moved that House Bill No. 2445 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2445 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-703, is amended by deleting the section in its entirety and substituting instead the following:

Section 39-13-703. As used in this part, unless the context otherwise requires:

(1) "Board" means the sex offender treatment board created in Section 39-13-704;

(2) "Sex offender" means any person who is convicted in the state, on or after January 1, 1996, of any sex offense, or if such person has been convicted in another state of an offense that would constitute a sex offense in this state, and who is subject to parole or probation supervision by the Tennessee department of correction pursuant to an interstate compact.

(3) "Sex offense" means any felony or misdemeanor offense described as follows:

(A) Rape of a child, as defined in Section 39-13-522;

(B) Aggravated rape, as defined in Section 39-13-502;

(C) Rape, as defined in Section 39-13-503;

(D) Aggravated sexual battery, as defined in Section 39-13- 504;

(E) Sexual battery, as defined in Section 39-13-505;

(F) Statutory rape, as defined in Section 39-13-506;

(G) Incest, as defined in Section 39-15-302;

(H) Criminal attempt, conspiracy, or solicitation to commit any of the offenses specified in this subsection; or

(I) Criminal responsibility for the facilitation of a felony when the specific felony facilitated is any of the offenses specified in this subsection; and

(4) "Treatment" means therapy and supervision of any sex offender which conforms to the standards created by the board pursuant to Section 39-13-704.

SECTION 2. Tennessee Code Annotated, Section 39-13-704(a), is amended by deleting the language "twelve (12) members" and substituting instead the language "thirteen (13) members".

SECTION 3. Tennessee Code Annotated, Section 39-13-704(a), is further amended by deleting subsections (9) and (10) and by adding the following new subdivisions:

(9) One (1) member appointed by the commissioner of correction who is representative of law enforcement;

(10) Two (2) members appointed by the commissioner of correction who are recognized experts in the field of sex abuse and who can represent sex abuse victims and victims' rights organizations; and

(11) One (1) member appointed by the presiding officer of the sex offender treatment board who is a representative of the board of paroles.

SECTION 4. Tennessee Code Annotated, Section 39-13-704(d), is amended in subdivisions (2) and (3) by deleting the language "sex offender surcharge fund" wherever it appears and by substituting instead the language "sex offender treatment fund".

SECTION 5. Tennessee Code Annotated, Section 39-13-705, is amended by deleting the section in its entirety and by substituting instead the following:

Section 39-13-705. (a) On or after January 1, 1996, each sex offender shall be required to submit to an evaluation for risk to victims or potential victims, identification, amenability to treatment, and behavior management under the procedures developed pursuant to Section 39-13-704(d)(1).

(b) Those offenders found guilty at trial or who pled guilty without an agreement as to length of sentence and/or probation and/or alternative sentencing that are to have a pre-sentence report prepared for submission to the court shall be required to submit to the evaluation referred to in subsection (a). Such evaluation shall be included as part of the pre-sentence report and shall be considered by the court in determining the sentencing issues herein stated. If the court grants probation or alternative sentencing, any plan of treatment recommended by such evaluation shall be a condition of the probation or alternative sentencing. Those offenders, that, as part of a negotiated settlement of their case, are to be placed on probation or alternative sentencing shall be required to submit to the evaluation referred to in subsection (a) as a condition of their probation or alternative sentencing and any plan of treatment recommended by such evaluation shall be a condition of probation or alternative sentencing.

(c) The evaluation and identification required by subsection (a) shall be at the expense of the offender evaluated based upon such person's ability to pay. The plan of treatment and behavior management shall be at the expense of the offender based upon such person's ability to pay.

SECTION 6. Tennessee Code Annotated, Section 39-13-709, is amended by deleting the section in its entirety and substituting instead the following:

Section 39-13-709. (a) For purposes of this section, unless the context otherwise requires, "convicted" and "conviction" means

an adjudication of guilt of a sex offense as defined in this part as hereinbelow described:

(1) Plea of guilty, including a plea of guilty entered pursuant to Section 40-35-313;

(2) Verdict of guilty by a judge or jury;

(3) Plea of no contest; and

(4) Best interest plea.

(b) On and after July 1, 1996, each person who is convicted of a sex offense as defined in this part shall pay a tax to the clerk of the court in which the conviction occurs in an amount not to exceed three thousand dollars (\$3,000) as determined by the court for each conviction as defined by this part.

(c) The clerk of the court shall allocate the tax required by subsection (c) of this section as follows:

(1) Five percent (5%) of the tax paid shall be retained by the clerk for administrative costs incurred pursuant to this subsection.

(2) Ninety-five percent (95%) of the tax paid shall be transferred to the state treasurer who shall credit the same to the sex offender treatment fund created pursuant to subsection (e) of this section.

(d) There is hereby created in the state treasury a sex offender treatment fund which shall consist of moneys received by the state treasurer, pursuant to this part. All interest derived from the deposit and investment of this fund shall be credited to the general fund. Any moneys not appropriated by the general assembly shall remain in the sex offender treatment fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year. All monies in the fund shall be subject to annual appropriation by the general assembly to the judicial branch, the department of correction, and the department of human services after consideration of the plan developed pursuant to Section 39-13-704(d)(3) to cover the direct and indirect costs associated with the evaluation, identification, and treatment and the continued monitoring of sex offenders.

(e) The court may waive all or any portion of the tax required by this section if the court finds that a person convicted of a sex offense is indigent or financially unable to pay.

(f) For the purposes of collecting any unpaid balance of the tax imposed by this part, the Tennessee department of correction shall deduct from the trust fund account of any sex offender who is in custody of the department of correction those monies necessary to satisfy the unpaid tax.

SECTION 7 . If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. For the purpose of making the required board appointments, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Ritchie moved that **House Bill No. 2445**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

House Bill No. 3251 -- Marshall County - Subject to local approval, creates "Marshall County Adequate Facilities Tax." by *Fowlkes. (SB3243 by *Jordan)

Further consideration of House Bill No. 3251, previously considered on April 22, 1996, and reset to today's Calendar.

On motion of Rep. Fowlkes, **House Bill No. 3251** was withdrawn from the House.

House Bill No. 3306 -- Bluff City - Subject to local approval, rewrites city charter. by *Ramsey. (SB3295 by *Holcomb)

Further consideration of House Bill No. 3306, previously considered on April 22, 1996, and reset to today's Calendar.

On motion, House Bill No. 3306 was made to conform with **Senate Bill No. 3295**; the Senate Bill was substituted for the House Bill.

Rep. Ramsey moved that **Senate Bill No. 3295** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: DeBerry, L. -- 1.

A motion to reconsider was tabled.

House Bill No. 3307 -- Bluff City - Subject to local approval, rewrites city charter. Repeals Chapter 496 of the Private Acts of 1929. by *Ramsey. (SB3296 by *Holcomb)

Further consideration of House Bill No. 3307, previously considered on April 22, 1996, and reset to today's Calendar.

On motion, House Bill No. 3307 was made to conform with **Senate Bill No. 3296**; the Senate Bill was substituted for the House Bill.

Rep. Ramsey moved that **Senate Bill No. 3296** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes	0
Present and not voting.....	1

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowikes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: DeBerry, L. -- 1.

A motion to reconsider was tabled.

House Bill No. 2945 -- Workers' Compensation - Requires all subcontractors and those engaged in the construction industry to carry workers' compensation insurance regardless of size. Amends TCA Title 50, Chapter 6. by *Williams (Williamson), *Buck. (*SB2513 by *Person, *Crowe)

Further consideration of House Bill No. 2945, previously considered on April 22, 1996, and reset to today's Calendar.

On motion, House Bill No. 2945 was made to conform with **Senate Bill No. 2513**; the Senate Bill was substituted for the House Bill.

On motion, Rep. Armstrong withdrew Consumer & Employee Affairs Committee Amendment No. 1.

On motion, Rep. Armstrong withdrew Consumer & Employee Affairs Committee Amendment No. 2.

Rep. Williams(Williamson) moved that Senate Bill No(s). 2513 be reset to the next available space on the next Regular Calendar, which motion prevailed.

House Bill No. 2507 -- Judges and Chancellors - Removes authority for selection of special judge when judge fails to appear. Amends TCA Title 16 and Title 17, Chapter 2. by *Buck, *Eckles, *Bragg, *Jackson, *Williams (Williamson). (*SB2160 by *Person)

Further consideration of House Bill No. 2507, previously considered on April 15, 1996 and April 22, 1996, and reset to today's Calendar.

Rep. Buck moved that House Bill No(s). 2507 be reset to the Regular Calendar for April 25, 1996, which motion prevailed.

***House Joint Resolution No. 539** -- Constitutional Amendments - Authorize lotteries. by *Kernell, *Arriola, *Brooks, *Miller L, *Langster, *Chumney, *Pruitt, *Odom, *Givens, *Callicott.

Further consideration of House Joint Resolution No. 539, previously considered on April 18, 1996 and April 22, 1996, and reset to today's Calendar.

Rep. Kernell moved that House Joint Resolution No. 539 be re-referred to the Committee on Calendar & Rules Committee, which motion prevailed.

***Senate Bill No. 495** -- Sunset Laws - Military affairs commission, June 30, 2002 Amends TCA Title 4, Chapters 29, 45, by *Haynes. (HB431 by *Kernell, *Garrett, *Brooks)

Further consideration of Senate Bill No. 495, previously considered on today's Calendar.

Rep. Kernell moved that Senate Bill No. 495 be passed on third and final consideration.

Rep. Kernell moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 495 by deleting Section 2 in its entirety and by substituting instead the following new sections:

SECTION 2. There is hereby created the Tennessee Military Affairs Commission. The commission shall be attached to the department of economic and community development for administrative purposes.

SECTION 3. It shall be the purpose and the duty of the Tennessee military affairs commission to:

- (1) Address matters of military significance to Tennessee;
- (2) Maintain a cooperative and constructive relationship between state agencies and the military entities in Tennessee;
- (3) Advise the governor and the general assembly on all matters in which the military services and the state have mutual interests and concerns;
- (4) Develop recommendations to promote the mission needs of military entities in Tennessee and to enhance the total military presence in the state; and

(5) Develop proposals to encourage military personnel to retire and relocate in Tennessee and to ensure that adequate facilities and services are available to meet their needs.

SECTION 4. The Tennessee military affairs commission shall consist of an executive committee and such subcommittees as the executive committee may appoint and establish from its membership in order to consider specific issues relating to the state and the military. The department of economic and community development shall provide to the commission, from its existing staff, a staff member whose primary responsibility shall be to carry out the purposes of the commission, and other staff support as necessary, including staff in the appropriate regional offices.

SECTION 5. The members of the executive committee shall include:

- (1) The governor or the governor's designee;
- (2) The commissioner of economic and community development;
- (3) The civilian aides to the United States military service secretaries in Tennessee;
- (4) The Commander of Fort Campbell;
- (5) The Commander of Millington Naval Air Station;
- (6) The Depot Commander of the Holston Army Depot;
- (7) The Commander of the Defense Depot, Memphis;
- (8) The Commander of the Arnold Air Force Base;
- (9) The Commander of the Volunteer Army Ammunition Plant in Chattanooga;
- (10) The Commander of the Milan Army Ammunition Plant;
- (11) The Adjutant General of Tennessee;
- (12) Five (5) at-large members appointed by the governor who shall be residents of counties significantly impacted by military installations;
- (13) The speaker of the senate, or a member of the senate at the speaker's designation;

(14) The speaker of the house of representatives, or a member of the house of representatives at the speaker's designation; and

(15) The commissioner of veterans affairs.

SECTION 6. The executive committee shall meet at least two (2) times each year, and may meet at other times at the call of the governor, or the governor's designee, to establish the commission's goals and to review issues identified and recommendations made. At least one (1) of the meetings of the executive committee and any subcommittee thereof shall be conducted in Nashville.

SECTION 7. No member of the executive committee or any subcommittee thereof shall receive from the state any per diem, travel reimbursement, or other compensation paid in consideration for serving on or attending meetings of the executive committee or any subcommittee thereof.

SECTION 8. Tennessee Code Annotated, Section 4-29-223(a), is amended by adding the following language as a new, appropriately designated subitem:

() Military affairs commission, created by Section 2 of this act;

SECTION 9. Implementation of the provisions of this act shall be subject to the funding being provided in the General Appropriations Act.

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Kernell moved that **Senate Bill No. 495**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West,

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Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 2560 -- Tennessee Arts Commission - Requires commission to be official agency to receive and disburse funds from federal government for programs in cultural arts, in addition to performing, visual and literary arts and preservation of architecture art and artifacts. Amends TCA Title 4, Chapter 20. by *DeBerry J, *Bowers, *Miller L. (*SB2906 by *Cohen)

Further consideration of House Bill No. 2560, previously considered on today's Calendar.

Rep. DeBerry J moved that House Bill No(s). 2560 be reset to the next available space on the next available Regular Calendar, which motion prevailed.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Joint Resolution No. 278** -- General Assembly, Studies - Creates special joint committee to study issues related to relocation of utility lines. by *Head.

Senate Amendment No. 1

AMEND House Joint Resolution No. 278 by deleting from the sixth resolving clause the figures "1996" and substituting instead the figures "1997".

Rep. Head moved that the House concur in Senate Amendment(s) No(s). 1 to **House Joint Resolution No. 278**, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner

(Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 30** -- Custody and Support - Allows revocation of driver license, hunting or fishing license or professional license of person delinquent in child support payments. Amends TCA Title 36, Chapter 5; Titles 50, 55. by *Walley, *Stamps, *Lewis, *Cole (Dyer), *Givens, *Tindell, *Haley, *McKee, *Patton, *Williams (Union), *Pinion, *Wood, *Huskey, *Dunn, *Cole (Carter), *Westmoreland, *Boyer, *Ford S, *Curtiss, *Jackson, *McDaniel, *Newton, *Ramsey, *Joyce, *Beavers, *Clabough, *Cantrell, *Bird, *Hassell, *Kerr. (SB258 by *Fowler, *Person, *McNally)

Senate Amendment No. 1

AMEND House Bill No. 30 by deleting everything after the enacting clause and by substituting the following language:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 5, is amended by adding Sections 2 through 14 of this act as a new part:

SECTION 2. As used in this part unless the context otherwise requires:

- (1) "Arrears" is defined as any child support or spousal support associated with a child support order owed under a court or administrative order which is delinquent pursuant to Tennessee Code Annotated 36-5-501(b)(1), or any interest owed on those arrears.
- (2) "Commissioner" means the commissioner of human services.
- (3) "Department" means the department of human services.
- (4) "License" means a license, certification, registration, permit, approval or other similar document issued to an individual evidencing admission to or granting authority to engage in a profession, trade, occupation, business, or industry, to hunt or fish, or to operate any motor vehicle or other conveyance, but shall not include a license to practice law unless the Supreme Court establishes guidelines pursuant to Section 14 making the provisions of this act applicable to such license.
- (5) "Licensee" means any individual holding a license, certification, registration, permit, approval, or other similar document evidencing admission to or granting authority to engage in a

profession, trade, occupation, business, or industry, to hunt or fish, or to operate any motor vehicle or other conveyance; such term shall not include an attorney only with respect to the attorney's license to practice law unless the Supreme Court establishes guidelines pursuant to Section 14 making the provisions of this act applicable to such license.

(6) "Licensing authority" means the board, commission, or agency, including the department of safety, which has been established by statute or state regulation to oversee the issuance and regulation of any license. Excluded from this definition is the Supreme Court, unless the Supreme Court acts in accordance with Section 14, and any licensing authority established solely by the action and authority of a county or municipal government.

(7) "Not in compliance with an order of support" means that the obligor is five hundred dollars (\$500) or more in arrears and the arrears are ninety (90) days or more past due.

(8) "Obligee" means any individual to whom a duty of support is owed or any state or political subdivision to whom such duty has been assigned or which is collecting support on behalf of an obligee.

(9) "Obligor" means any individual owing a duty of support.

(10) "Order of support" means any judgment or order for the support of dependent children issued by any court of this state or another state, including an order in a final decree of divorce, or any order issued in accordance with an administrative procedure established by state law in this or another state that affords substantial due process and is subject to judicial review.

SECTION 3.

(a) In Title IV-D child support cases, or where an obligee has made an application with the department or its contractors for Title IV-D child support services and has filed an affidavit stating that the obligor is not in compliance with an order of support as defined in this part, the department may serve upon the obligor a notice that informs the obligor of the department's intention to submit the obligor's name to the appropriate licensing authority as a licensee who is not in compliance with an order of support.

(b) The notice shall state that:

(1) The obligor may request an administrative hearing to contest the issue of compliance or contact the

department to make an arrangement for the payment of the arrears which is satisfactory to the department.

(2) A request for a hearing must be made in writing and must be received by the department within twenty (20) days of service, or within twenty (20) days of service the obligor must contact the department or the local IV-D agency and pay the arrears or make an arrangement with the department for the payment of the arrears which is satisfactory to the department.

(3) If the obligor requests a hearing within twenty (20) days of service the department shall stay the proceedings to certify the obligor to any appropriate licensing authority for noncompliance with an order of support pending a decision after a hearing. If the obligor contacts the department to make an arrangement for the payment of the arrears which is satisfactory to the department within such twenty (20) days, the department shall stay the proceedings to certify the obligor to any appropriate licensing authority for noncompliance with an order of support in accordance with the agreement entered into between the obligor and the department as provided in Section 4(d).

(4) The proceedings will be dismissed if the obligor pays the arrears.

(5) If the obligor is not in compliance with an order of support and does not either request a hearing or make a satisfactory arrangement for payment with the department within twenty (20) days of service, the department may certify the obligor to any appropriate licensing authority for noncompliance with a court order of support.

(6) If the department certifies the obligor to a licensing authority for noncompliance with an order of support, the licensing authority, notwithstanding any other provision of law to the contrary, must deny a renewal request, revoke the obligor's license, or refuse to issue or reinstate a license, as the case may be, until the obligor provides the licensing authority with a release from the department that states the obligor is in compliance with the obligor's order of support.

(c) The notice to the obligor shall include the address and telephone number of the office of the department or its contractor that issues the notice and a statement of the need to obtain a release from that office as provided in Section 8 in order to allow the obligor's license to be issued, renewed or reinstated. The notice shall be served by certified mail, return receipt requested, or by personal

service with an affidavit of service completed by an authorized representative of the commissioner. Service shall be deemed complete upon mailing or, if done by personal service, upon receipt.

SECTION 4.

(a) An obligor may request an administrative hearing upon receiving the notice described in Section 3 to contest the department's intention to issue a finding of non-compliance to a licensing authority. The request for hearing must be made in writing and must be received by the department within twenty (20) days of the date the notice is issued.

(b) If a hearing is requested, the department shall conduct the hearing in accordance with the provisions of § 4-5-301 et seq.; provided, however, notwithstanding any law or rule to the contrary, the sworn certificate of the department, or its agent, or the Title IV-D agency of another state regarding the issues in subsection (c)(1) and (2) shall be admissible in evidence and shall constitute a rebuttable presumption of the obligor's status.

(c) The only issues for consideration at the administrative hearing shall be:

(1) Whether the licensee is an obligor required to pay child support under an order of support; and

(2) Whether the obligor is not in compliance with the order of support.

(d) The department may enter into an agreement with the obligor, satisfactory to the department, for the payment of an arrearage which agreement shall be in writing and signed by the obligor. Upon execution of such agreement, the proceedings under this act shall be stayed. Such agreement shall constitute a waiver of the obligor's right to any hearing on the issue of noncompliance with an order of support. Upon a determination by the department that the obligor has not complied with such agreement, then in accordance with Section 8, the department shall forthwith certify to each licensing authority which licenses the obligor that the obligor is not in compliance with an order of support.

SECTION 5.

(a) If an obligor timely requests a hearing to contest the issue of compliance, or files a motion to modify support or requests that the support obligation be amended as provided in Section 11, the department shall stay the action and may not certify the name of the obligor to any licensing authority for noncompliance with an order of

support until the department issues a written decision after a hearing that finds the obligor is not in compliance with an order of support or until the motion to modify or request to amend is decided, as the case may be; provided, however, that after a decision by the department has been made in the form of a final order as provided in § 4-5-315, there will be no further stay unless a reviewing court issues a stay.

(b) The department shall issue its decision after hearing without undue delay. The decision must inform the obligor that in accordance with Section 4-5-301 et seq. the obligor may file a petition for judicial review of the decision within thirty (30) days of the date of the decision. The department shall send an attested copy of the decision to the obligor by regular mail to the obligor's most recent address of record and to any attorney representing the obligor in connection with the hearing under this act.

(c) Notwithstanding any law to the contrary, the department is authorized to assess costs to the obligor of the unsuccessful appeal of notice of noncompliance. The department may, by motion in the court with jurisdiction over the support order, recover such costs against the obligor and the court shall direct the obligor to pay such costs to the department.

SECTION 6. (a) The department shall certify in writing or by electronic data exchange to each licensing authority which licenses the obligor that an obligor is not in compliance with an order of support if:

(1) The obligor does not timely request a hearing upon service of notice issued under Section 3 and is not in compliance with an order of support twenty-one (21) days after service of the notice provided for in Section 3;

(2) The obligor has not entered into a written agreement satisfactory to the department for payment of the arrearage within twenty (20) days after service of the notice in Section 3 or within such longer period as may be agreed to by the department, or having entered into such a written agreement has failed to comply with such agreement;

(3) The department issues a decision after a hearing that finds the obligor is not in compliance with an order of support; or

(4) A court, upon a petition for judicial review of the department's decision after its issuance of a stay of that decision pending its ruling, enters a judgment that upholds the department's finding that the obligor is not in compliance with an order of support;

SECTION 7.

(a) Notwithstanding any other law, rule or regulation to the contrary, the certification from the department under Section 6 shall be, a basis for the denial, suspension or revocation of a license, or for refusal to issue or reinstate a license by a licensing authority.

(b) The licensing authority shall notify, without undue delay, by regular mail, an obligor certified from the department under Section 6, that the obligor's application for the issuance, renewal or reinstatement of a license has been denied or that the obligor's current license has been suspended or revoked because the obligor's name has been certified by the department as an obligor who is not in compliance with an order of support.

(c) A notice of suspension must specify the reason and statutory grounds for the suspension and the effective date of the suspension and may include any other notices prescribed by the licensing authority. The notice must also inform the individual that in order to apply for issuance, renewal or reinstatement of the license, the individual must obtain a release from the department of human services in accordance with Section 8.

(d) A notice to the obligor by the licensing authority to revoke, deny, suspend, or refuse to renew or reinstate a license after receipt of the notice of noncompliance from the department shall not be appealable under § 4-5-301 et seq.

SECTION 8.

(a) When an obligor who is served notice under Section 3 complies with the order of support, the department shall provide the licensing authority with written or electronic data exchange confirmation that the obligor is in compliance with the order and issue a release to the obligor.

(b) Upon receipt of the written confirmation of compliance or electronic data exchange from the department confirming compliance with the order of support, the licensing authority shall issue the obligor's license or renew or reinstate the obligor's license; provided, that all other applicable licensing requirements are met by the obligor. The licensing authority issuing, renewing or reinstating the license may charge a fee for such action in an amount to be determined by the licensing authority.

SECTION 9. The department shall have authority to adopt any necessary rules to implement and enforce the requirements of this act in accordance with the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 10. The various licensing authorities shall cooperate with the department in any manner necessary to effectuate this act, and the department and the various licensing authorities shall enter into any necessary agreements to carry out the purposes of this act.

SECTION 11. Nothing in this act prohibits an obligor from filing a motion to modify support with the court or from requesting the department to amend a support obligation established by an administrative decision.

SECTION 12. On or before January 1, 1996, or as soon thereafter as economically feasible and at least annually thereafter, all licensing authorities subject to this act shall provide to the department on magnetic tape or other machine-readable format the information herein specified or enter into an agreement with the commissioner of human services for the transfer of or the access of the department to such data, according to standards established by the department, about applicants for licensure and all current licensees including licensees whose licenses are currently suspended or revoked but are subject to reinstatement upon the occurrence of an event or expiration of a period of time. The information provided must include, if available, the following:

- (1) Name;
- (2) Date of birth;
- (3) Address of record;
- (4) Federal employer identification number or social security number;
- (5) Physical description;
- (6) Type of license;
- (7) Effective date of license or renewal
- (8) Expiration date of license; and
- (9) Active or inactive status of the license.

SECTION 13. In furtherance of the public policy of increasing collection of child support, the department shall report the following to the general assembly and the governor on January 31, 1997, and annually thereafter:

- (1) The number of obligors identified as licensees subject to this act;

(2) The number of obligors identified by the department under this act who are not in compliance with an order of support; and

(3) The number of actions taken by the department under this act and the results of those actions.

SECTION 14.

(a) In addition to other qualifications for licensure or registration and conditions for continuing eligibility to hold a license as prescribed by law, rule or regulation issued under the provisions of Tennessee Code Annotated, Titles 43, 44, 45, 55, 56, 62, 63, 68, 70 or 71, for an individual to engage in a profession, trade, occupation, business, or industry, to hunt or fish, or to operate any motor vehicle or other conveyance, applicants for licensure, certification or registration, and licensees renewing their licenses, and existing licensees, must not then be subject to a certification that the licensee is not in compliance with an order of support.

(b) The Supreme Court is encouraged to establish guidelines to suspend the license of an attorney who fails to comply with the requirements of Sections 2 through 9 of this act.

SECTION 15. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect January 1, 1996, the public welfare requiring it.

Senate Amendment No. 1 to Senate Amendment No. 1

AMEND Senate Amendment No. 1 by deleting Section 8(b) of Senate Judiciary Committee Amendment No. 1, (i.e., document ID # 00823932), and by substituting instead the following:

(b)(1) Upon receipt of the written confirmation of reasonable or full compliance, the licensing authority shall issue or extend the obligor's license, or withdraw any denial, revocation or suspension of the obligor's license; provided, however, that all other applicable licensing requirements are met by the obligor. If all other applicable licensing requirements are met by the obligor, the obligor shall not, however, be required to be re-tested or re-certified for a license which was valid and which was held in good standing by the obligor, or for which the obligor had been determined otherwise eligible by the licensing authority to receive, prior to the revocation or suspension or denial of such license pursuant to this part, and which license was revoked, suspended or denied solely pursuant to the provisions of this part.

(2) If subsequent to the revocation, suspension or denial of the license, and prior to the date on which the next periodic licensing would be due, the license is restored or issued by the licensing authority due to reasonable or full compliance, the obligor shall not be required to pay a new periodic license fee for the period remaining before the next periodic licensing fee would be due; provided, however, the licensing authority may impose a reasonable reinstatement fee not to exceed five dollars (\$5.00) for processing of the restoration or issuance of the license at any time.

Senate Amendment No. 3

AMEND House Bill No. 30 Amend subsection (b) of Section 14 of Senate Judiciary Committee Amendment No. 1 by changing the number (9) to the number (8)

Senate Amendment No. 4

AMEND House Bill No. 30 Add a new section before the effective date clause
to read:

Any hearings held pursuant to this act shall be held at the department of human services' office nearest the obligor's home.

Senate Amendment No. 2

AMEND House Bill No. 30 by deleting subsection (a) of Section 3 of Senate Judiciary Committee Amendment No.1 in its entirety and by substituting instead the following:

(a)(1) In Title IV-D child support enforcement cases pursuant to this part, the department shall be deemed to be the agent of the court to enforce, on behalf of the court, the court's order of support which is in arrears by using the license revocation, denial, or suspension procedures provided herein.

(2) If the court's records maintained by the court clerk on the statewide Title IV-D child support computer system, or the department's records of court ordered support if the court clerk has elected, pursuant to § 36-5-101(a)(4)(C)(iii), not to participate in the statewide Title IV-D child support computer system, show that the obligor is in arrears and is not in compliance with an order of support, the department may serve upon an obligor a notice that informs the obligor of the department's intention to submit the obligor's name to the appropriate licensing authority as a licensee who is not in compliance with an order of support.

AND FURTHER AMEND by deleting the language "representative of the commissioner" in the second sentence of Section 3(c) of Senate Judiciary Committee Amendment No.1, and by substituting instead the language "process server".

AND FURTHER AMEND by deleting the last sentence of Section 3(c) of Senate Judiciary Committee Amendment No.1.

AND FURTHER AMEND by deleting the word "issued" in the second sentence of Section 4(a) of Senate Judiciary Committee Amendment No.1 and by substituting instead the language "served upon the obligee as shown by the return receipt or by the return on personal service".

AND FURTHER AMEND by deleting subsection (c) of Section 4 of Senate Judiciary Committee Amendment No. 1 in its entirety and by substituting instead the following:

(c) The only issues for consideration at the administrative hearings shall be:

(1) Whether the licensee is an obligor required to pay child support under an order of support;

(2) Whether the obligor is not in compliance with the order of support; and

(3) Whether good cause exists in that case as to whether the sanctions of this act should be imposed.

AND FURTHER AMEND by deleting subsection (d) of Section 4 of Senate Judiciary Committee Amendment No.1 in its entirety and by substituting instead the following:

(d)(1) The department may enter into a consent order with the obligor, which is filed with the court, for payment of an arrearage owed by the obligor. Upon entry of such consent order by the court, the proceedings under this act shall be further stayed, unless there is noncompliance with such consent order as shown by the records pursuant to subdivision 2. In the event of such noncompliance the stay shall cease and the procedures of subdivision 2 shall be followed. Entry of such consent order shall constitute a waiver of the obligor's right to any hearing on the issue of noncompliance with an order of support based upon the notice of noncompliance for which the consent order has been entered.

(2) If, based upon the court's records maintained by the court clerk on the statewide Title IV-D child support computer system, or, based upon the department's records of court ordered support if the court clerk has elected, pursuant to § 36-5-101(a)(4)(C)(iii), not to participate in the statewide Title IV-D child support computer system, which show that the obligor remains in arrears and is not in compliance with the consent order for repayment of the child support arrearage pursuant to subdivision (1), the court, through the department, shall, in accordance with Section 6, forthwith certify to each licensing authority which licenses the obligor, that the obligor is not in compliance with an order of support.

AND FURTHER AMEND Section 12 of Senate Judiciary Committee Amendment No. 1 by deleting the word, figures and punctuation "January 1, 1996" and by substituting instead the word, figures and punctuation "July 1, 1996".

AND FURTHER AMEND Section 12 of Senate Judiciary Committee Amendment No. 1 by designating the current language as subsection (a) and by adding the following new subsection (b):

(b) If it is not feasible to provide the information on magnetic tape or in a machine-readable format, the information shall be provided in the format agreed upon by the commissioner and the licensing authority.

AND FURTHER AMEND Section 13 of Senate Judiciary Committee Amendment No. 1 by deleting the word, figures and punctuation "January 31, 1997" and by substituting instead the word, figures, and punctuation "January 31, 1998".

AND FURTHER AMEND Section 15 of Senate Judiciary Committee Amendment No. 1 by deleting the word, figures and punctuation "January 1, 1996" and by substituting instead the word, figures and punctuation "July 1, 1996".

Senate Amendment No. 5

AMEND House Bill No. 30 by adding the following new section immediately before the last section of the bill as amended and by renumbering the remaining section accordingly:

SECTION _____. Tennessee Code Annotated, Section 36-5-101, is amended by adding the following new subsection:

(o)(1) In enforcing any provision of child support, the court may find specifically in its order that the obligor is not in compliance with an order of support as defined by this act, and may direct that any or all of the obligor's licenses be subject to revocation, denial or suspension by the appropriate licensing authority pursuant to that act. The court shall direct the clerk to send a certified copy of that order to each licensing authority specified in the order for processing and suspension, denial or revocation pursuant to Section 7 and any other applicable provisions of this act. Costs related to such order shall be taxed to the obligor.

(2) If the obligor whose license has been subject to the provisions of subdivision (1) complies with the order of support, the court shall enter an order making such a finding and the clerk shall send a certified order immediately to each licensing authority pursuant to Section 8 of this act which shall then immediately issue, renew or reinstate the obligor's license in accordance with the provisions of that section. Costs related to such order shall be taxed to the obligor.

(3) The department of human services shall provide available information to the obligee in actions under this subsection concerning the name and address of the licensing authority or authorities of the obligor in order to enable the enforcement of the provisions of this subsection. The obligee shall pay a fee as established by the department for the provision of such service.

(4) If the licensing authority fails to take appropriate action pursuant to the orders of the court under this subsection, the obligee may seek a further order from the court to direct the licensing authority to take such action and the obligee may seek any appropriate court sanctions against the licensing authority.

Senate Amendment No. 1 to Senate Amendment No. 5

AMEND Senate Amendment No. 5 to add the words "specified in the order" between the words "licensing authority" and "pursuant to Section 8" in new subsection (o)(2)

Senate Amendment No. 2 to Senate Amendment No. 5

AMEND Senate Amendment No. 5 new subsection (o)(1) and (o)(2) to delete the word "certified" everywhere it appears

Further amend by adding the phrase "if the obligee specifically prays for revocation of a license" between the words "child support" and "the court may find" in new subsection (o)(1)

Rep. Walley moved that the House concur in Senate Amendment(s) No(s). 1 as amended, 3, 4, 2 and 5, as amended, to **House Bill No. 30**, which motion prevailed by the following vote:

Ayes.....	96
Noes	1
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Bowers -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 151 -- Insurance, Health, Accident - Mandates coverage on and after 7/1/95 for phenylketonuria (PKU) treatment and formulas; "treatment" means licensed professional medical services under supervision of physician and special dietary formulas which are medically necessary for therapeutic treatment. Amends TCA Title 56, Chapter 7, Part 25. by *Stulce. (*SB165 by *Crutchfield, *Person, *Dixon)

Senate Amendment No. 1

AMEND House Bill No. 151 by deleting the effective date section and by substituting instead the following:

SECTION _____. This act shall take effect July 1, 1996, the public welfare requiring it.

Rep. Stulce moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 151**, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. McDonald moved to lift from the table the motion to reconsider Senate Joint Resolution No. 393, which motion prevailed.

Senate Joint Resolution No. 393 -- Memorials, Recognition and Thanks - Outstanding Women of Tennessee. by *Wright, *Harper, *O'Brien.

Rep. McDonald moved to reconsider action in concurring in Senate Joint Resolution No. 393, which motion prevailed.

Rep. McDonald moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Joint Resolution No. 393 by deleting the seventh clause of the preamble and substituting instead the following:

WHEREAS, as the elected representatives of the state of Tennessee, it is appropriate that we should join with the Sixth Grade Blue Team in honoring these outstanding women who have given unselfishly to perpetuate the public good in their counties and throughout the state:

Bedford County, Dorothy Orr; Blount County, Nancy Broady Miser (Deceased); Bradley County, Emily Jory (Deceased); Carter County, Lydia Bean (Deceased) and Mary McKeehan Patton; Cheatham County, Linda Sloan Fizer; Clay County, Lillian White; Coffee County, Norma Jernigan and Vida Langford Boswell (Deceased); Crockett County, Freda Kenner; Cumberland County, Dr. May C. Wharton (Deceased); Davidson County, Gwen McFarland; Decatur County, Iris Adair Evans (Deceased); Dickson County, Dr. Mary Baxter Cook (Deceased); Fayette County, Viola McFerrin; Fentress County, Kate Ella Bradford Stockton (Deceased); Franklin County, Pam Ledford and Francis Hanger; Gibson County, Caroline Satterfield (Deceased); Giles County, Monte Claire Carpenter; Grainger County, Virginia Leedy; Greene County, Eliza McCardle (Deceased); Grundy County, Minnie Simpson Northcutt (Deceased); Hamilton County, Valerie Copeland Rutledge and Mary Walker (Deceased); Hancock County, Velma Giddings and Cora Robinson; Hardeman County, Elizabeth Ingram (Deceased); Hardin County, Mary Elizabeth Hitchcock; Hawkins County, Donna Alvis; Haywood County, Nola Walker Bond and Harriet Dezern Smith; Henderson County, Brenda Fiddler; Henry County, Dr. Henrietta Veltman (Deceased) and "Miss Ruby" Krider (Deceased); Hickman County, Sarah Ophelia Colley Cannon (Deceased) and Agnes B. Frye; Houston County, Margie Rainwater Smith and Hyde Simpson; Jackson County, Iva Butler; Johnson County, Dorothy Gunn Howard; Knox County, Betsey Beeler Creekmore; Macon County, Thellie Oldham Massey; Madison County, Jane Donelson Hays (Deceased); Maury County, Margaret Dean Akin; McMinn County, Febb Ensminger Burn (Deceased) and Muriel Shadow Mayfield; McNairy County, Nola Wilson Bigger; Montgomery County, Ursula Beach (Deceased); Obion County, Mildred Elizabeth Roberts; Perry County, Bertha Westbrooks and Lottie DePriest; Pickett County, Irene Harer (Deceased); Polk County, Dr. Phyllis Edwards Miller; Putnam County, Graeme McGregor Smith (Deceased); Roane County, Betty McGlasson; Robertson County, Lena Bransford (Deceased) and Catherine Henry Pitt; Rutherford

County, Margaret Johnson Wright; Scott County, Erma Massey Walker; Shelby County, Ida B. Wells; Smith County, Annie Hewitt Malone Murray (Deceased); Sumner County, Ellen Wemyss; Tipton County, Elizabeth Huffman; Trousdale County, Eleanor Lipscomb; Union County, Winnie Palmer McDonald; Van Buren County, Daisy Rhinehart; Warren County, Nelma Brown Justin; Washington County, Catherine "Bonnie Kate" Sevier (Deceased) and Ruth Rutledge Boyles; Wayne County, Dr. Margaret Perry; White County, Mary Agee; Williamson County, Caroline Winder McGavock (Deceased), Mary Sneed Jones (Deceased) and Evangeline Bowie (Deceased); and Wilson County, Eddie Smith Clay and Ruth M. Witt; now, therefore,

On motion, Amendment No. 1 was adopted.

Rep. McDonald moved that Senate Joint Resolution 393, as amended, be concurred in, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. Gunnels moved to lift from the table the motion to reconsider Senate Bill No. 1959, which motion prevailed.

***Senate Bill No. 1959** -- Chiropractors - Revises requirements for obtaining continuing education hours. Amends TCA Section 63-4-112. by *Henry. (HB1950 by *Gunnels, *McKee)

Rep. Gunnels moved to reconsider action in passing Senate Bill No. 1959, which motion prevailed.

Rep. Gunnels moved that Senate Bill No. 1959 be passed on third and final consideration.

Rep. Gunnels moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1959 by deleting the directory language in its entirety from Section 1, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 63-4-112(c), is amended by deleting subdivisions (1), (2) and (3) in their entirety, and by substituting instead the following language as a new subdivision (2):

On motion, Amendment No. 2 was adopted.

Rep. Gunnels moved that **Senate Bill No. 1959**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 1981 -- Public Records - Authorizes cities and counties to establish and operate electronic access to public records on contractual, fee-based basis. Amends TCA Title 10, Chapter 7. by *Ford J. (*HB1960 by *Chumney)

Rep. Chumney moved that the House refuse to recede from its action in adopting House Amendment(s) No(s). 3 and 4 to **Senate Bill No. 1981**, which motion prevailed.

MOTION TO RECONSIDER

Rep. Kernell moved to lift from the table the motion to reconsider Senate Bill No. 1995.

***Senate Bill No. 1995** -- Sunset Laws - State university and community college system, board of regents, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 8. by *Haynes. (HB2123 by *Kernell, *Garrett, *Brooks)

Rep. Kernell moved to reconsider action in passing Senate Bill No. 1995, which motion prevailed.

Rep. Kernell moved that the House reconsider its action in adopting Amendment No. 1, which motion prevailed. On motion, Amendment No. 1 was withdrawn.

Rep. Kernell moved that Senate Bill No. 1995 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2136** -- Judges and Chancellors - Requires state court judge or chancellor to certify sickness or disability so that special judge may be appointed. Amends TCA Section 17-2-116. by *Person. (HB3174 by *Purcell, *Hargrove, *Chumney)

Rep. Purcell moved that the House refuse to recede from its action in adopting House Amendment(s) No(s). 1 to **Senate Bill No. 2136**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2174 -- Tort Liability - Authorizes local governments to indemnify volunteers up to liability limits established by law for governmental entities; makes volunteer liable for any amount in excess of governmental entity liability limit. Amends TCA Title 29, Chapter 20. by *Boyer, *McMillan, *Fitzhugh, *Bittle, *White, *Stulce. (*SB2119 by *Cohen)

Senate Amendment No. 2

AMEND House Bill No. 2174 by deleting from subsection () (1) of the amendatory language of SECTION 1 the language ", whether compensated or not,".

Rep. Boyer moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2174**, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2274** -- DUI/DWI Offenses - Makes vehicle driven by person with suspended or revoked license for prior DUI subject to forfeiture; provides for disposition of proceeds. Amends TCA Title 40, Chapter 33, Part 2; Title 55, Chapter 50 and Title 55, Chapter 10. by *Curtiss, *McDonald, *Beavers, *Ford S, *Sharp, *Callicott, *Kent, *Ramsey, *Patton, *Jackson, *Fitzhugh, *Cole (Dyer), *Kisber, *McDaniel, *Duer, *Walley, *Williams (Union), *Boyer, *Windle, *Bird, *Newton, *Cantrell. (SB2594 by *Cooper, *Haynes, *Miller J, *McNally, *Fowler, *Person, *Atchley, *Rice, *Burks, *Hamilton)

Senate Amendment No. 7

AMEND House Bill No. 2274 by deleting the figures and letter "55-504(h)" in Section 2 of the bill and substituting instead the following:
"55-50-504(h)".

AND FURTHER AMEND by deleting the word and figures "July 1, 1996" in Section 6 and substituting instead "January 1, 1997".

Senate Amendment No. 6

AMEND House Bill No. 2274 by deleting Section 4 of the printed bill and substituting instead the following:

SECTION 4. Tennessee Code Annotated, Section 40-33-211, is amended by adding the following new subsection to be designated as (c) and by relettering present subsection (c) accordingly:

(c) Notwithstanding the provisions of subsections (a) and (b) of this section to the contrary, the revenue derived from the sale of any vehicle forfeited under the authority of Tennessee Code Annotated, Section 55-50-504(h), shall be distributed as follows:

(1) Fifteen percent (15%) of the revenue shall be retained by the entity, either the state or a local government, which was responsible for the seizure. This retained percentage shall be used to compensate the entity for expenses involved in the confiscation, storage, and sale of the forfeited vehicle; and

(2) The remaining eighty-five percent (85%) of the revenue shall be transmitted to the state treasurer no later than thirty (30) days after the sale. This percentage shall be placed by the state treasurer in a special fund to be known as the "alcohol and drug addiction treatment fund" and shall be available for use after July 1, 1997, to pay the costs of alcohol and drug addiction treatment for persons certified for such treatment by order of either general sessions or criminal court judges, pursuant to a plan and procedures developed by the state treasurer and submitted to the general assembly prior to July 1, 1997.

Tennessee Code Annotated, Section 40-33-211, is further amended by deleting the citation "57-3-411" and substituting instead the citations "57-3-411, 57-5-409, 57-9-201".

Rep. Curtiss moved that the House concur in Senate Amendment(s) No(s). 7 and 6 to **House Bill No. 2274**, which motion prevailed by the following vote:

Ayes.....	89
Noes	6
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner

TUESDAY, APRIL 23, 1996 -- EIGHTY- EIGHTH LEGISLATIVE DAY

(Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Brown, Chumney, DeBerry, L., Herron, Jones, R. (Shelby), Turner (Shelby) -- 6.

Representatives present and not voting were: Jones, U. (Shelby), Kernell -- 2.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2288** -- Historical Sites - Authorizes state to sell certain land to non-profit corporations which contains building of historical significance under certain conditions. Amends TCA Title 4, Chapter 13 and Title 12, Chapter 2, Part 1. by *Beavers. (SB2422 by *Jordan)

Senate Amendment No. 1

AMEND House Bill No. 2288 by inserting in the amendatory language of subsection (a) of Section 1 the language ", or is immediately adjacent to a parcel of land which contains a building having historical significance," between the words "historical significance" and the language "under the following conditions".

Rep. Beavers moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2288**, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. White moved to lift from the table the motion to reconsider Senate Bill No. 2292, which motion prevailed.

***Senate Bill No. 2292 --** Motor Vehicles, Titling and Registration - Directs the commissioner of safety to report to transportation committees of general assembly concerning fiscal and administrative impacts of special license plates on department of safety and county clerks. Amends TCA Title 55. by *Springer. (HB2187 by *White, *Givens, *Phelan, *Cole (Dyer), *Rinks)

Rep. White moved to reconsider action in passing Senate Bill No. 2292, which motion prevailed.

Rep. White moved that the House reconsider its action in adopting Amendment No. 3, which motion prevailed. On motion, Amendment No. 3 was withdrawn.

Rep. White moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 2292 in subsection (a) of the amendatory language of SECTION 2 of House Transportation Committee Amendment No. 1 by deleting the language "and who have attained sixty-five (65) years of age,".

AND FURTHER AMEND the amendatory language of Section 2 in subdivision (b)(1) after the first sentence by adding the following:

Funds shall be awarded in grants to senior citizens centers on a county by county basis. The funds generated by such special license plate sales in a county shall be earmarked for grants to senior citizens centers in that county.

On motion, Amendment No. 4 was adopted.

Rep. White moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 2292 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Notwithstanding any other provision of this act, for the first fiscal year in which such license plates are issued and after deducting the expense the state has incurred in designing and manufacturing such plates, funds derived from the sale of license plates of the first one thousand (1,000) such plates pursuant to this act shall be distributed to the general fund and funds derived from the sale of such license plates in excess of one thousand (1,000) shall be distributed as otherwise provided in this act. For succeeding fiscal years, all funds derived from the renewal of the plates described in this act or from any new issues of such plates, less any expense the state has incurred in designing and manufacturing such plates,

shall be distributed as earmarked in this act with no further payments going to the general fund from such plates.

On motion, Amendment No. 5 was adopted.

Rep. White moved that **Senate Bill No. 2292**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 90

Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kernell, Kerr, Langster, Lewis, McDaniel, McDonald, McKee, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2328 -- Child Abuse - Redefines "child abuse" by eliminating reasonably applied corporal punishment. Amends TCA Title 39, Chapter 15, Part 4. by *Buck, *Peach, *Boyer. (*SB2154 by *Springer)

Senate Amendment No. 1

AMEND House Bill No. 2328 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-15-401, is amended by adding the following new language to the end of subsection (b)(1):

Provided, however, no arrest warrant or summons shall be issued by any person authorized to issue such a warrant or summons nor shall criminal charges be instituted against a child's parent, guardian or custodian for a violation of subsection (a) of this section based upon the allegation that unreasonable corporal punishment was administered to such child unless the affidavit of complaint also contains a copy of the report prepared by the law enforcement official who investigated the allegation and independent medical verification of injury to the child.

SECTION 2. This act shall take effect on July 1, 1996, the public welfare requiring it.

Senate Amendment No. 1 to Senate Amendment No. 1

AMEND Amendment No. 1 by deleting from the amendatory language of

SECTION 1 of Senate Judiciary Committee Amendment # 1 the language "allegation and independent" and substituting instead the language "allegation or independent".

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 1, as amended, to **House Bill No. 2328**, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2352** -- Motor Vehicles, Tinting and Registration - Authorizes issuance of special license plates for members of Ducks Unlimited. Amends TCA Title 55, Chapter 4, by *Fitzhugh, *Herron, *Williams (Williamson), *Ford S, *Peach. (SB2576 by *Wilder, *Haun)

Senate Amendment No. 2

AMEND House Bill No. 2352 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Notwithstanding any other provision of this act, for the first fiscal year in which such license plates are issued and after deducting the expense the state has incurred in designing and manufacturing such plates, funds derived from the sale of license plates of the first one thousand (1,000) such plates pursuant to this act shall be distributed to the general

fund and funds derived from the sale of such license plates in excess of one thousand (1,000) shall be distributed as otherwise provided in this act. For succeeding fiscal years, all funds derived from the renewal of the plates described in this act or from any new issues of such plates, less any expense the state has incurred in designing and manufacturing such plates, shall be distributed as earmarked in this act with no further payments going to the general fund from such plates.

Rep. Fitzhugh moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2352**, which motion prevailed by the following vote:

Ayes..... 97
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2417 -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates for Tennessee Home Education Association. Amends TCA Title 55, Chapter 4. by *Fitzhugh. (*SB2468 by *Leatherwood)

Senate Amendment No. 2

AMEND House Bill No. 2417 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new section to be appropriately designated:

Section _____. (a) Owners or lessees of motor vehicles or recreational vehicles who are residents of the state of Tennessee, upon complying with state motor vehicle or recreational vehicle laws relating to registration and licensing of motor vehicles or recreational vehicles, and paying the regular fee applicable to the motor vehicle or

recreational vehicle and the fee provided for in § 55-4-203, shall be issued upon request a Tennessee Home Education Association special license plate, either for an automobile, recreational vehicle, or a truck of one-half (1/2) or three-quarter (3/4) ton rating.

(b) (1) The funds derived from the sale of such Tennessee Home Education Association special license plates, less the expense the state has incurred in designing and manufacturing such plates, shall be deposited in the Tennessee Home Education Association fund established by this section, to be used exclusively for the assistance of activities of the Tennessee Home Education Association. The commissioner of education is authorized to make disbursements from the fund in the form of grants to the Tennessee Home Education Association in order to provide such assistance.

(2) There is hereby established a general fund reserve to be allocated by the general appropriations act which shall be known as the Tennessee Home Education Association fund. Moneys from the fund may be expended to fund activities authorized by this section. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this subsection, and shall not revert to the general fund on any June 30. Any excess revenues on interest earned by such revenues shall not revert on any June 30, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from such reserve shall not revert to the general fund on any June 30, but shall remain available for expenditure in subsequent fiscal years.

(c) The special plates provided for in this section shall be issued in conformity with the provisions of § 55-4-202, and shall be designed in consultation with the commissioner of education, the director of the motor vehicle division and the department of safety. The special plates shall include a unique identifying number, whereby the total characters do not exceed the sum of seven (7); provided, that no two (2) recipients shall receive identical plates.

(d) (1) The provisions of this section shall not be construed to mean that any eligible person shall be prevented from exchanging a regular type plate for one of special design; provided, that the fees prescribed under § 55-4-203 are paid.

(2) The whole or parts of the fee for a special registration plate shall not be refunded for the exchange of a regular plate.

(e) Additional special license plates may be obtained by any eligible person upon payment of the regular license fee for plates, as prescribed under § 55-4-111, plus the payment of the fee prescribed in § 55-4-203.

(f) (1) Special plates issued pursuant to this section may be transferred to another vehicle of the same weight class owned or leased by the same person upon proper application being made therefore and approved by the department of safety.

(2) It is unlawful for any person to whom such plates have been issued to knowingly permit them to be displayed on any vehicle, except such as authorized by the department.

SECTION 2. Tennessee Code Annotated, Section 55-4-202 (c)(3), is amended by adding a new subdivision as follows:

() Tennessee Home Education Association;

SECTION 3. Tennessee Code Annotated, Section 55-4-203, is amended by adding a new item as follows:

() Tennessee Home Education Association -- twenty five dollars (\$25.00).

SECTION 4. This act shall take effect on July 1, 1996, the public welfare requiring it.

Senate Amendment No. 3

AMEND House Bill No. 2417 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Notwithstanding any other provision of this act, for the first fiscal year in which such license plates are issued and after deducting the expense the state has incurred in designing and manufacturing such plates, funds derived from the sale of license plates of the first one thousand (1,000) such plates pursuant to this act shall be distributed to the general fund and funds derived from the sale of such license plates in excess of one thousand (1,000) shall be distributed as otherwise provided in this act. For succeeding fiscal years, all funds derived from the renewal of the plates described in this act or from any new issues of such plates, less any expense the state has incurred in designing and manufacturing such plates, shall be distributed as earmarked in this act with no further payments going to the general fund from such plates.

Rep. Fitzhugh moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to House Bill No. 2417, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2553 -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates promoting agriculture. Amends TCA Title 55, Chapter 4, by *Givens, *Cole (Dyer), *Phelan, *Napier, *Windle, *Walley, *Callicott, *Williams (Union), *McDonald, *McDaniel, *Naifeh. (*SB2642 by *Burks)

Senate Amendment No. 2

AMEND House Bill No. 2553 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Notwithstanding any other provision of this act, for the first fiscal year in which such license plates are issued and after deducting the expense the state has incurred in designing and manufacturing such plates, funds derived from the sale of license plates of the first one thousand (1,000) such plates pursuant to this act shall be distributed to the general fund and funds derived from the sale of such license plates in excess of one thousand (1,000) shall be distributed as otherwise provided in this act. For succeeding fiscal years, all funds derived from the renewal of the plates described in this act or from any new issues of such plates, less any expense the state has incurred in designing and manufacturing such plates, shall be distributed as earmarked in this act with no further payments going to the general fund from such plates.

Rep. Givens moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2553**, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney,

Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2667 -- Economic and Community Development, Dept. of - Requires director of office of business enterprise to serve as member of each committee or other entity formally or informally attached to department for purposes of developing or recommending state policy to enhance economic and community development. Amends TCA Title 4, Chapter 3, Part 7. by *Brooks, *Armstrong, *Brown, *Turner (Shelby), *Jones R (Shelby), *Bowers, *Pruitt, *DeBerry L, *Miller L, *Jones U (Shelby), *Cantrell, *Langster, *Beavers. (*SB2327 by *Dixon, *Harper)

Senate Amendment No. 1

AMEND House Bill No. 2667 by deleting from the amendatory language of Section 1 the language "shall serve" and substituting instead the language "may in the discretion of the commissioner serve".

Rep. Brooks moved that the House non-concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2667**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2762** -- Motor Vehicles, Titling and Registration - Provides for issuance of "KIDS FIRST!" license plates; specifies usage of additional revenues derived from issuance. Amends TCA Title 55, Chapter 4. by *Purcell, *Jackson. (SB3009 by *Elsea, *Rice)

Senate Amendment No. 4

AMEND House Bill No. 2762 by deleting Section 1(b).

AND FURTHER AMEND by deleting from Section 1(c) the language "pursuant to subsections (a) and (b)" and by substituting instead the language "pursuant to subsection (a)".

Senate Amendment No. 5

AMEND House Bill No. 2762 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Notwithstanding any other provision of this act, for the first fiscal year in which such license plates are issued and after deducting the expense the state has incurred in designing and manufacturing such plates, funds derived from the sale of license plates of the first one thousand (1,000) such plates pursuant to this act shall be distributed to the general fund and funds derived from the sale of such license plates in excess of one thousand (1,000) shall be distributed as otherwise provided in this act. For succeeding fiscal years, all funds derived from the renewal of the plates described in this act or from any new issues of such plates, less any expense the state has incurred in designing and manufacturing such plates, shall be distributed as earmarked in this act with no further payments going to the general fund from such plates.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 4 and 5 to **House Bill No. 2762**, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2829 -- Motor Vehicles, Titling and Registration - Authorizes design and issuance of special license plates for members of certain fraternities and sororities. Amends TCA Title 55, Chapter 4, Part 2. by *Armstrong, *Brown, *DeBerry L. (*SB2499 by *Dixon, *Harper)

Senate Amendment No. 5

AMEND House Bill No. 2829 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Notwithstanding any other provision of this act, for the first fiscal year in which such license plates are issued and after deducting the expense the state has incurred in designing and manufacturing such plates, funds derived from the sale of license plates of the first one thousand (1,000) such plates pursuant to this act shall be distributed to the general fund and funds derived from the sale of such license plates in excess of one thousand (1,000) shall be distributed as otherwise provided in this act. For succeeding fiscal years, all funds derived from the renewal of the plates described in this act or from any new issues of such plates, less any expense the state has incurred in designing and manufacturing such plates, shall be distributed as earmarked in this act with no further payments going to the general fund from such plates.

Rep. Armstrong moved that the House non-concur in Senate Amendment No. 5 to **House Bill No. 2829**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2859 -- Education, State Board of - Authorizes development of rules requiring schools to have communications systems and emergency procedures. Amends TCA Section 49-1-302. by *Fowlkes, *Windle, *Winningham, *McKee, *Callicott, *Stulce, *Williams (Williamson), *Brown, *Rhinehart, *Jones U (Shelby), *Purcell, *Chumney, *Jones, S.. (*SB2114 by *Cooper, *Leatherwood, *Springer)

Senate Amendment No. 1

AMEND House Bill No. 2859 by deleting Sections 1 and 2 of the printed bill and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-302, is amended by adding to subsection (a) the following as a new, appropriately designated subdivision:

(a)(____) Develop and recommend to local boards of education training or notification procedures for use of two-way communications systems in those local education agencies which choose to place such systems in new and renovated schools.

SECTION 2. The joint special committee on education oversight is requested to study the complete issue of school security including two-way communications, classroom security, and other necessary and feasible methods or devices for assuring the safety of students, teachers, and other school workers. The committee is requested to take testimony from and

secure information from persons knowledgeable on or concerned with this situation, and to report its findings and recommendations to the 100th General Assembly by February 1, 1997.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Fowlkes moved that the House non-concur in Senate Amendment No. 1 to House Bill No. 2859, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2861 -- Education - Enacts "Student and Employee Safe Environment Act of 1996." Amends TCA Section 49-2-203; Section 49-2-303 and Section 49-6-3402. Repeals TCA Title 49, Chapter 6, Part 40. by *Fowlkes, *Windle, *Winningham, *Boyer, *McKee, *Callicott, *Hicks, *McDonald, *Stulce, *Williams (Williamson), *Purcell, *Davis, *Rhinehart, *Davidson, *Hargrove, *Ramsey, *Patton, *Brown, *Jones U (Shelby), *Chumney, *Jones, S., *West, *Cantrell, *Fitzhugh, *White, *Bowers, *Duer, *Herron, *Turner (Hamilton). (*SB2116 by *Cooper, *Harper)

Senate Amendment No. 4

AMEND House Bill No. 2861 By deleting Section 11 of the printed bill, as amended, in its entirety and by substituting the following:

Section 11. In addition to the other provisions of this act, a student committing battery upon any teacher, principal, administrator or any other employee of a local education agency or unlawfully possessing any narcotic or stimulant drug shall be expelled for a period of not less than one (1) calendar year, except that the director or superintendent may modify this expulsion on a case-by-case basis. For purposes of this section, "expelled" means removed from the pupil's regular school or removed from school attendance altogether, as determined by the school official. Nothing in this section shall be construed to prohibit the assignment of such students to alternative school.

Rep. Fowlkes moved that the House concur in Senate Amendment(s) No(s). 4 to **House Bill No. 2861**, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan,

Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 2992 -- Sunset Laws - Tennessee neighborhood development corporation, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 13. by *Kernell, *Garrett, *Brooks. (*SB2965 by *Haynes)

Rep. Kernell moved that House Bill No(s). 2992 be reset to the Message Calendar for April 25, 1996, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3052 -- Criminal Offenses - Creates Class C misdemeanor offense for intentional harming of police dog while performing official duties. Amends TCA Title 39, Chapter 14, Part 2. by *McKee, *Phelan, *Rigsby, *Roach, *Ramsey, *Venable, *Westmoreland, *Williams (Union). (*SB3113 by *Miller J, *Cohen)

Senate Amendment No. 4

AMEND House Bill No. 3052 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 39-14-205, is amended by adding the following to the end of subsection (b):

The justification for killing the animal of another authorized by this subsection shall not apply to a person who, while engaging in or attempting to escape from criminal conduct, kills a police dog that is acting in its official capacity. In such case the provisions of subsection (a) shall apply to such person.

Rep. McKee moved that the House concur in Senate Amendment(s) No(s). 4 to **House Bill No. 3052**, which motion prevailed by the following vote:

Ayes.....	91
Noes	2
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer,

Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Brooks, Jones, R. (Shelby) -- 2.

Representatives present and not voting were: Brown -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3079 -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates for Mothers Against Drunk Driving (MADD). Amends TCA Title 55, Chapter 4, by *Hargrove, *West. (*SB3220 by *Burks)

Senate Amendment No. 1

AMEND House Bill No. 3079 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Notwithstanding any other provision of this act, for the first fiscal year in which such license plates are issued and after deducting the expense the state has incurred in designing and manufacturing such plates, funds derived from the sale of license plates of the first one thousand (1,000) such plates pursuant to this act shall be distributed to the general fund and funds derived from the sale of such license plates in excess of one thousand (1,000) shall be distributed as otherwise provided in this act. For succeeding fiscal years, all funds derived from the renewal of the plates described in this act or from any new issues of such plates, less any expense the state has incurred in designing and manufacturing such plates, shall be distributed as earmarked in this act with no further payments going to the general fund from such plates.

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3079**, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby),

Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. DeBerry J. moved to lift from the table the motion to reconsider Senate Bill No. 3118, which motion prevailed.

***Senate Bill No. 3118** -- Obscenity and Pornography - Prohibits sale or production of sexually explicit material not containing federally required notice of where located records containing information pertaining to performers. by *Fowler, *Person, *Elsea, *Carter, *Rice, *Leatherwood. (HB3078 by *DeBerry J, *Hargrove, *Newton, *West, *Turner (Hamilton), *McDaniel, *Williams (Union), *Patton, *Dunn, *Burchett, *Armstrong, *Arriola, *Beavers, *Bell, *Bird, *Bittle, *Bowers, *Boyer, *Bragg, *Brooks, *Brown, *Buck, *Byrd, *Ramsey)

Rep. DeBerry J. moved to reconsider action in passing Senate Bill No. 3118, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 1. On motion, Amendment No. 1 was withdrawn.

Rep. DeBerry J. moved that Senate Bill No. 3118 be passed on third and final consideration.

Rep. DeBerry J. moved that Senate Bill No(s). 3118 be reset to the Message Calendar for April 25, 1996, which motion prevailed.

MOTION TO RECONSIDER

Rep. DeBerry J. moved to lift from the table the motion to reconsider Senate Bill No. 3139.

***Senate Bill No. 3139** -- Obscenity and Pornography - Adds that oral leases or rental contracts on buildings used for sale or exhibition of obscene material unenforceable, as well as written leases or contracts. Amends TCA Section 66-7-105. by *Fowler, *Person, *Elsea, *Carter, *Rice, *Leatherwood, *Haynes, *Kyle, *McNally, *Miller J, *Holcomb. (HB3077 by *DeBerry J, *Hargrove, *McDaniel, *Williams (Union), *Patton, *Dunn, *Burchett, *Ramsey, *West, *Turner (Hamilton), *Stulce)

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Rep. DeBerry J. moved to reconsider action in passing Senate Bill No. 3139, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 2. On motion, Amendment No. 2 was withdrawn.

On motion, the House reconsidered its action in adopting Amendment No. 1. On motion, Amendment No. 1 was withdrawn.

Rep. DeBerry J. moved the **Senate Bill No. 3139** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

SUPPLEMENTAL CONSENT CALENDAR

***House Joint Resolution No. 513** -- Highway Signs - "A.H. Gray / C.A. Rawls By-Pass," new route between S.R. 19 and Brownsville in Haywood County. by *Fitzhugh.

***House Bill No. 1862** -- Sales - Clarifies definitions relative to sales representatives and commissions; determines at what times commissions become due; sets out jurisdictional guidelines. Amends TCA 47-50-114. by *Jackson, *McMillan. (*SB1940 by *Springer)

House Bill No. 2937 -- Judicial Officers - Expands power of legislative body of Hamilton County to appoint judicial commissioners. Amends TCA Section 40-1-111(a)(1)(A). by *Wood. (*SB3035 by *Fowler)

***Senate Joint Resolution No. 323** -- Memorials, Congress - Urges president, congress and department of justice to secure adequate federal funding for implementing

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next phase of CASTLE program and maintaining program at present level. by *McNally, *O'Brien.

House Joint Resolution No. 525 -- Memorials, Congress - Urges adequate funding of department of energy environmental management program for Oak Ridge reservation for federal fiscal year 1997. by *Coffey.

***House Bill No. 1991** -- Firearms and Ammunition - Permits chief of police conducting background investigation on person attempting to purchase handgun to collect same fee from applicant that sheriff now collects for conducting such an investigation. Amends TCA Section 39-17-1316. by *Stamps. (SB2055 by *Wright)

On motion, House Bill No. 1991 was made to conform with **Senate Bill No. 2055**; the Senate Bill was substituted for the House Bill.

House Bill No. 2611 -- Physicians and Surgeons - Requires board of examiners in psychology to license as health service provider with practice limitations to DMHMR person hired at facility found to have serious understaffing by department of justice if person is licensed in another state and has excellent credentials. Amends TCA Title 63, Chapter 11. by *Whitson, *Walley. (*SB2687 by *Haun)

House Bill No. 2846 -- Osteopathy - Increases board of osteopathic examination from five to six; expands authority of board to investigate reports and discipline members; makes medical peer review provisions which apply to physicians applicable to osteopathic physicians. Amends TCA Title 63, Chapter 9, Part 1. by *Armstrong. (*SB2511 by *Crowe)

On motion, House Bill No. 2846 was made to conform with **Senate Bill No. 2511**; the Senate Bill was substituted for the House Bill.

House Bill No. 3235 -- Securities - Revises Tennessee Securities Act of 1980. Amends TCA Title 48, Chapter 2, Part 1. by *Armstrong. (*SB3212 by *Dixon, *Harper)

On motion, House Bill No. 3235 was made to conform with **Senate Bill No. 3212**; the Senate Bill was substituted for the House Bill.

House Bill No. 3191 -- Parks, Natural Areas Preservation - Adds portion of Clinch River from Melton Hill Dam upstream to Pellissippi Parkway to Class III developed river areas Amends TCA Title 11, Chapter 13, Part 1. by *Bittle, *McDaniel. (*SB3011 by *Gilbert)

On motion, House Bill No. 3191 was made to conform with **Senate Bill No. 3011**; the Senate Bill was substituted for the House Bill.

House Bill No. 3286 -- Sports - Permits mayor rather than governing body to appoint members of sports authority in Memphis and Shelby County. Amends TCA Title 7, Chapter 67. by *Chumney, *Townns, *Brooks, *Miller L, *Bowers, *Jones U (Shelby), *Turner (Shelby), *DeBerry J, *Byrd, *Haley. (*SB3256 by *Person, *Cohen)

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***House Bill No. 379** -- Barbers - Revises barbering law. Amends TCA Title 62, Chapter 3. by *Arriola. (SB965 by *Haynes)

House Resolution No. 204 -- Memorials, Government Officials - Urges and advises Environmental Protection Agency in its review of National Ambient Air Quality Standard for ozone to thoroughly evaluate potential incremental health impacts and economic consequences, including unfunded mandates on states, for range of options to modify ozone standard, including retaining existing standard. by *Williams (Williamson), *Callicott.

***House Joint Resolution No. 508** -- General Assembly, Studies - Creates special joint committee to study shoplifting, worthless checks, scanner fraud and other types of fraud perpetrated against retail industry. by *Williams (Williamson).

***House Joint Resolution No. 277** -- General Assembly, Studies - Creates special joint committee to study laws and policies relative to acute pain management. by *Armstrong.

***House Joint Resolution No. 406** -- General Assembly, Studies - Creates special joint committee to study domestic violence. by *Venable, *Westmoreland.

House Resolution No. 266 -- Memorials, Public Service - Representative J.B. Napier. by *Rhinehart.

House Resolution No. 267 -- Memorials, Interns - Dyanna Guinn Pearson. by *Chumney.

House Resolution No. 268 -- Memorials, Interns - Denise Robinson. by *Venable, *Westmoreland, *Callicott.

House Resolution No. 269 -- Memorials, Interns - Julie A. Chadwick. by *Naifeh.

House Resolution No. 270 -- Memorials, Interns - Jeremy Brandon Austin Williams. by *Naifeh.

House Resolution No. 271 -- Memorials, Interns - Aretha Nikkia-Yvette Jones. by *Napier, *Odom, *Cross.

House Resolution No. 272 -- Memorials, Death - Eugene P. Graves. by *Williams (Union).

House Resolution No. 273 -- Memorials, Death - Denver Roy Cupp. by *Williams (Union).

House Resolution No. 274 -- Memorials, Professional Achievement - Trooper Harry Shultz, John L. Martin Award. by *Williams (Union).

House Resolution No. 275 -- Memorials, Academic Achievement - Carrie Rebecca Painter, National Youth Leadership Forum on Medicine attendee. by *Williams (Union).

House Resolution No. 276 -- Memorials, Sports - Jo-Anna Mallicoat, United States National Award winner in cheerleading. by *Williams (Union).

House Joint Resolution No. 621 -- Memorials, Academic Achievement - Deanna Lamb, Valedictorian, Eagleville High School. by *Beavers, *Eckles.

House Joint Resolution No. 622 -- Memorials, Academic Achievement - Chaney Mosley, Salutatorian, Eagleville High School. by *Beavers, *Eckles.

House Joint Resolution No. 623 -- Memorials, Academic Achievement - Ericka Ashley, Riverdale High School 1996 Valedictorian. by *Beavers, *Eckles.

House Joint Resolution No. 624 -- Memorials, Recognition and Thanks - Neal and Maggie Ensminger, Keith United Methodist Church. by *McKee.

House Joint Resolution No. 625 -- Memorials, Public Service - Representative Billy Rigsby. by *Lewis.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 3286: by Rep. Kernell.

House Joint Resolution No. 277: by Rep. DeBerry L.

Under the rules, House Bill No. 3286 and House Joint Resolution No. 277 was/were placed at the foot of the calendar for April 25, 1996.

Pursuant to **Rule No. 50**, Rep. Turner(Hamilton) moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson,

Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. Purcell moved that the House reconsider its action in adopting House Joint Resolution No. 625, which motion prevailed.

House Joint Resolution No. 625 -- Memorials, Public Service - Representative Billy Rigsby. by *Lewis.

Rep. Lewis moved that all members voting aye be added as sponsors.

Rep. Purcell moved that the House adopt **House Joint Resolution No. 625**, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. Rhinehart moved that the House reconsider its action in adopting House Resolution No. 266, which motion prevailed.

House Resolution No. 266 -- Memorials, Public Service - Representative J.B. Napier. by *Rhinehart.

Rep. Rhinehart moved that the House adopt House Resolution No. 266 and that all members voting aye be added as sponsors, which motion prevailed.

SUPPLEMENTAL REGULAR CALENDAR

House Bill No. 2758 -- Juvenile Offenders - Requires certain juvenile offenders to pay restitution for injuries and property loss. Amends TCA Section 37-1-131 and Section 40-35-320. by *Purcell, *Jones, S.. (*SB2795 by *Rochelle)

Rep. Purcell moved that House Bill No. 2758 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2758 by deleting the amendatory language of Section 1 and by substituting instead the following:

(b) If the child is found to be delinquent, the court shall determine if any monetary damages actually resulted from the child's delinquent conduct. Upon a determination that monetary damages resulted from such conduct, the court shall order the child to make restitution for such damages unless the court further determines that the specific circumstances of the individual case render such restitution, or a specified portion thereof, inappropriate.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. In order to further expand the provision of restitution in juvenile court proceedings, the Tennessee Commission on Children and Youth shall review existing, nationally recognized restitution programs and mentioning programs and shall report its findings and recommendations to the Select Committee on Children and Youth on or before January 20, 1997, for further consideration by the One Hundredth General Assembly.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **House Bill No. 2758**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks,

Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2776 -- Law Enforcement - Reduces number of months of full-time service by police officer in calendar year required for eligibility for police pay supplement from eight to seven months. Amends TCA Title 38, by *Purcell, *Jones, S., *Williams (Williamson). (*SB2721 by *Kyle)

Rep. Purcell moved that House Bill No. 2776 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2776 by deleting all the language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following new section:

Section 38-8-114. The commission shall encourage the use of community policing by establishing nine (9) pilot programs for communities across the state. The commission shall establish three (3) pilot programs in each of the three (3) grand divisions with a reasonable distribution between urban and rural areas. The commission may provide a grant of not more than ten thousand dollars (\$10,000) for a community policing pilot program to a community that submits a proposal to the commission. To qualify for the grant funds, a community shall satisfy the criteria for participation established by the commission.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **House Bill No. 2776**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 3294** -- Uniform Commercial Code - Revises process for filing continuation of financing statement by secured parties. Amends TCA Title 47. by *Purcell. (SB3284 by *Crutchfield)

On motion, House Bill No. 3294 was made to conform with **Senate Bill No. 3284**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 3284** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2914 -- Salaries and Benefits - Provides that officers and supervisors of TWRA and special agents of ABC receive same pay as comparable officers in highway patrol Amends TCA Title 4, Chapter 7, Part 2. by *Rhinehart. (*SB3040 by *Hamilton)

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Rep. Rhinehart moved that House Bill No. 2914 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2914 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The department of personnel and the Tennessee wildlife resources agency shall develop a salary administration plan for the agency's officers, biologists, and other positions unique to the agency.

Notwithstanding any other provision of law to the contrary, upon approval of the commissioner of the finance and administration, the commissioner of personnel, and the director of the Tennessee wildlife resources agency, such salary administration plan shall be implemented during the 1996-97 fiscal year.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2914 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. No state general funds shall be expended to fund the provisions of this bill.

On motion, Amendment No. 2 was adopted.

Rep. Rhinehart moved that **House Bill No. 2914**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry,

L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Shirley -- 1.

A motion to reconsider was tabled.

***House Bill No. 2731** -- Psychologists - Adds two years of graduate training in counseling as acceptable qualification for psychological examiners; present law allows only two years of graduate training in psychology; authorizes board to establish training and experience qualifications equivalent to present statutory standards. Amends TCA Title 63, Chapter 11. by *Walley, *Patton, *Bragg, *Eckles. (SB2931 by *Holcomb)

Rep. Walley moved that House Bill No. 2731 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2731 by deleting the language "counseling or" from the amendatory language of Section 1.

On motion, Amendment No. 1 was adopted.

Rep. Walley moved that **House Bill No. 2731**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner

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(Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Hargrove -- 1.

A motion to reconsider was tabled.

House Bill No. 2596 -- Judges and Chancellors - Requires judges of county and state trial courts in Hamilton County be elected from divisions established according to population; requires, in alternative, judges be elected by limited or cumulative voting. Amends TCA Title 16, Chapter 2. by *Brown. (*SB2807 by *Crutchfield)

Rep. Brown moved that House Bill No(s). 2596 be reset to the next available space on the next available Regular Calendar, which motion prevailed.

House Bill No. 2895 -- Bond Issues - Authorizes \$16 million bond issue for development of state park with marina and golf course near Clifton. by *Rinks. (*SB3025 by *Wilder)

Rep. Rinks moved that House Bill No. 2895 be passed on third and final consideration.

Rep. Napier moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2895 by adding the following to Section 5:

The department, in consultation with the state building commission, shall solicit proposals from parties interested in construction or operation of the marina and the golf course referenced. Such proposals shall include sufficient information to allow the department to assess the feasibility of such project(s). The department, in consultation with the state building commission, shall review the proposals to determine whether it is reasonable to expect the project under consideration to generate revenues sufficient to cover the costs of operation and maintenance, including anticipated debt service on bonds authorized herein.

Prior to approval for full planning, the building commission shall have found that it is reasonable to expect the project under consideration to generate revenues over the useful life of the project sufficient to cover the costs of operation and maintenance, including anticipated debt service on the debt authorized hereby. Such finding shall not constitute a guaranty or warranty of such future revenues. It is the legislative intent that the project(s) authorized herein be constructed only after the determination by the building commission referenced above.

AND FURTHER AMEND by adding the following to Section 7:

Notwithstanding any provision of this act to the contrary, the funding board in its discretion may provide that a bond anticipation note or any renewal of such note issued pursuant to the provisions of such act and of Tennessee Code Annotated, Title 9, Chapter 9, may mature more than five (5) years from the date of issue of the original note; provided, that an amortization schedule for repayment of principal is established for the project funded by the note and provisions are made so that any note or renewal note or bond refunding such notes attributed to the financing of such project shall be redeemed or retired either twenty-five (25) years from the date of issue of such original note or twenty (20) years from the date the project is completed and placed in full service, whichever is earlier.

On motion, Amendment No. 1 was adopted.

Rep. Rinks moved that **House Bill No. 2895**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	89
Noes	3
Present and not voting.....	3

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Brooks, Clabough, Windle -- 3.

Representatives present and not voting were: Beavers, Jones, U. (Shelby), Ritchie -- 3.

A motion to reconsider was tabled.

***House Bill No. 2670 --** DUI/DWI Offenses - Revises procedures relative to seizure of vehicle driven by second or subsequent DUI offender. Amends TCA Title 40, Chapter 33, Part 2 and Title 55, Chapter 10, Part 4. by *Kent, *Stamps, *Bittle, *Newton, *Gunnels, *Roach, *Williams (Union), *Ford S, *Sharp, *Wood, *McDaniel, *McAfee, *Curtiss. (SB2952 by *Miller J, *Atchley, *McNally, *Person, *Rice, *Leatherwood, *Holcomb, *Gilbert, *Carter, *Elsa, *Wright, *Haun, *Crowe, *Fowler, *Jordan, *Koella, *Burks)

Rep. Kent moved that House Bill No. 2670 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2670 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 55-10-403, is amended by deleting subsection (k) in its entirety and substituting instead the following:

(k)(1) The vehicle used in the commission of a person's second or subsequent violation of Tennessee Code Annotated, Section 55-10-401, or the second or subsequent violation of any combination of Tennessee Code Annotated, Section 55-10-401, and a statute in any other state prohibiting driving under the influence of an intoxicant, is subject to seizure and forfeiture in accordance with the procedure established in Tennessee Code Annotated, Title 40, Chapter 33, Part 2. The department of safety is designated as the applicable agency, as defined by Tennessee Code Annotated, Section 40-33-202, for all forfeitures authorized by this subsection.

(2) In order for the provisions of subpart (1) of this subsection to be applicable to a vehicle, the violation making the vehicle subject to seizure and forfeiture must occur in Tennessee and at least one (1) of the previous violations must occur on or after January 1997.

(3) It is the specific intent that a forfeiture action under this section shall serve a remedial and not a punitive purpose. The purpose of the forfeiture of a vehicle after a person's second or subsequent DUI violation is to prevent unscrupulous or incompetent persons from driving on Tennessee's highways while under the influence of alcohol or drugs. Driving a motor vehicle while under the influence of alcohol or drugs endangers the lives of innocent people who are exercising the same privilege of riding on the state's highways. There is a reasonable connection between the remedial purpose of this section, ensuring safe roads, and the forfeiture of a motor vehicle. While this section may serve as a deterrent to the conduct of driving a motor vehicle while under the influence of alcohol or drugs, it is nonetheless intended as a remedial measure. Moreover, the statute serves to remove a dangerous instrument from the hands of individuals who have demonstrated a pattern of driving a motor vehicle while under the influence of alcohol or drugs.

SECTION 2. Tennessee Code Annotated, Section 40-33-211, is amended by adding the following new subsection to be designated as subsection (c) and by relettering the current subsections (c) and (d) accordingly:

(c)(1) Notwithstanding the provisions of subsections (a) and (b) of this section to the contrary, one-half (1/2) of the revenue derived from the sale of any vehicle forfeited under the authority of Tennessee Code Annotated, Section 55-10-403(k), shall be deposited in the state treasury for the exclusive use of the department of safety. The department of safety shall use such revenue to employ additional hearing officers and other personnel required due to the department's designation as the applicable agency for all forfeitures authorized under Tennessee Code Annotated, Section 55-10-403(k).

(2) The remaining one-half (1/2) of the revenue derived from the sale of any vehicle forfeited under the authority of Tennessee Code Annotated, Section 55-10-403(k), shall be distributed as provided in subsections (a) and (b) of this section.

SECTION 3. Tennessee Code Annotated, Section 40-33-201, is amended by deleting the citations "53-11-451, 57-3-411" and substituting instead the citations "53-11-451, 55-10-403(k), 57-3-411".

SECTION 4. Tennessee Code Annotated, Section 40-33-210, is amended by deleting the citations "53-11-451, 57-3-411" and substituting instead the citations "53-11-451, 55-10-403(k), 57-3-411".

SECTION 5. Tennessee Code Annotated, Section 40-33-211(a), is amended by deleting the citations "53-11-451, 57-3-411" and substituting instead the citations "53-11-451, 55-10-403(k), 57-3-411".

SECTION 6. Tennessee Code Annotated, Section 40-33-214, is amended by deleting the citations "53-11-451, 57-3-411" and substituting instead the citations "53-11-451, 55-10-403(k), 57-3-411".

SECTION 7. Tennessee Code Annotated, Section 40-33-214, is amended by deleting the following citations: 7-59-109, 70-3-111 and 70-8-108.

SECTION 8. This act shall take effect on January 1, 1997, the public welfare requiring it and shall apply to all applicable violations occurring on or after such date.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2670 by deleting Section 2 of the bill, as amended by Senate Judiciary Committee Amendment No. 1 and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 40-33-211, is amended by adding the following new subsection to be appropriately designated:

(____) Notwithstanding the provisions of subsections (a) and (b) to the contrary, the revenue derived from the sale of any vehicle forfeited under the authority of Section 55-10-403(k) shall be distributed as follows:

(1) Fifteen percent (15%) of the revenue shall be retained by the entity, either the state or a local government, which was responsible for the seizure. This retained percentage shall be used to compensate the entity for expenses involved in the confiscation, storage, and sale of the forfeited vehicle; and

(2) The remaining eighty-five percent (85%) of the revenue shall be transmitted to the state treasurer no later than thirty (30) days after the sale. This percentage shall be placed by the state treasurer in a special fund to be known as the "alcohol and drug addiction treatment fund" and shall be available for use after January 1, 1997, to pay the costs of alcohol and drug addiction treatment for persons certified and directed to attend a treatment program specified by order of either general sessions or criminal court judges, pursuant to a plan and procedures developed by the state treasurer and submitted to the general assembly for approval prior to January 1, 1997.

On motion, Amendment No. 2 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2670 by deleting the period at the end of subdivision (k)(2) in the amendatory language in Section 1 of the bill, as amended by Judiciary Committee Amendment No. 1, and adding the following:

, and the second offense after January 1, 1997, occurs within five (5) years of the first offense occurring after January 1, 1997.

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On motion, Amendment No. 3 was adopted.

Rep. Kent moved that **House Bill No. 2670**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	87
Noes	5
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Head, Herron, Kernell, Phelan, Pruitt -- 5.

Representatives present and not voting were: Bowers, Eckles -- 2.

A motion to reconsider was tabled.

House Bill No. 2575 -- Sexual Offenses - Defines "mass murder" as murder of two persons within period of 48 months. Amends TCA Title 39, Chapter 13; Title 39, Chapter 15, Part 3; Title 40, Chapter 28 and Title 40, Chapter 35. by *Jackson, *Herron, *Beavers, *Bird, *Sharp. (*SB2672 by *Rochelle)

Rep. Jackson moved that House Bill No. 2575 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2575 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following as new sections:

Section 39-13-524. (a) In addition to the punishment authorized by the specific statute prohibiting the conduct, any person who, on or after July 1, 1996, commits a violation of Tennessee

Code Annotated, Section 39-13-522, 39-13-502, 39-13-503, 39-13-504, or attempts to commit a violation of any such section, shall receive a sentence of community supervision for life.

(b) The judgment of conviction for all persons to whom the provisions of subsection (a) apply shall include that such person is sentenced to community supervision for life.

(c) The sentence of community supervision for life shall commence immediately upon the expiration of the term of imprisonment imposed upon such person by the court or upon such person's release from regular parole supervision, whichever first occurs.

(d)(1) A person on community supervision shall be under the jurisdiction, supervision and control of the board of paroles in the same manner as a person under parole supervision. The board is authorized on an individual basis to establish such conditions of community supervision as are necessary to protect the public from such person committing a new sex offense as well as promoting the rehabilitation of the person.

(2) The board is authorized to impose and enforce a supervision and rehabilitation fee upon a person on community supervision similar to the fee imposed by Tennessee Code Annotated, Section 40-28-201. To the extent possible the board shall set such fee in an amount that will substantially defray the cost of the community supervision program. The board shall also establish a fee waiver procedure for hardship cases and indigency.

Section 39-13-525. (a) After a person sentenced to community supervision pursuant to Tennessee Code Annotated, Section 39-13-524, has been on such supervision for a period of fifteen (15) years, such person may petition the sentencing court for release from community supervision.

(b) Upon receiving such a petition, the court shall, at least thirty (30) days prior to a hearing on the petition, cause the office of the district attorney responsible for prosecuting the person to be notified of the person's petition for release from supervision. Upon being notified, the district attorney general shall conduct a criminal history check on such person to determine if he or she has been convicted of a criminal offense during the period of community supervision. The district attorney general shall report the results of such criminal history check to the court together with any other comments the district attorney general may have concerning the person's petition for release. The district attorney general may also appear and testify at the hearing in lieu of or in addition to submitting written comments.

(c) Between the date the petition is filed with the court and the date established by the court for a hearing on the petition, if the person is entitled to a hearing, the person shall be examined and evaluated by a psychiatrist or licensed psychologist with health service designation approved by the board. The cost of such examination and evaluation shall be the sole responsibility of the person petitioning for release from supervision. No hearing on such petition may be conducted until such person has been examined and evaluated in accordance with this subsection.

(d)(1) If the report of the district attorney general indicates that the petitioner has been convicted of a criminal offense while under community supervision, the court shall deny the petition without conducting a hearing.

(2) If the report of the district attorney general indicates that the petitioner has not been convicted of a criminal offense while under community supervision, the court shall conduct a hearing on the petition. At the hearing, the court shall call such witnesses, including the examining psychiatrist or licensed psychologist with health service designation or the prosecuting district attorney general, as the court deems necessary to reach an informed and just decision on whether the petitioner should be released from community supervision. The petitioner may offer such witnesses and other proof at the hearing as is relevant to the petition.

(3) If a petition for release from supervision is denied by the court, such person may not file another such petition for a period of three (3) years.

Section 39-13-526. (a) It is an offense for a person to knowingly violate a condition of community supervision imposed upon such person pursuant to Tennessee Code Annotated, Section 39-13-524.

(b) Violation of a condition of community supervision is a Class E felony and each violation shall constitute a separate offense.

(c) If the violation of community supervision involves the commission of a new offense, the sentence for a violation of this section shall be served consecutive to any sentence received for commission of the new offense.

SECTION 2. Tennessee Code Annotated, Section 40-28-104, is amended by adding the following new appropriately numbered item to subsection (a):

() To establish conditions of supervision for and supervise sex offenders sentenced to community supervision for life pursuant to Tennessee Code Annotated, Section 39-13-524;

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect on July 1, 1996, the public welfare requiring it and shall apply to all persons committing applicable sex offenses on or after such date.

On motion, Amendment No. 1 was adopted.

Rep. Jackson moved that **House Bill No. 2575**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2664 -- Economic and Community Development, Dept. of - Directs department to annually inventory and catalog all inner-city industrial and commercial real property available for sale, lease and/or development in principal municipality in each of four urban counties. Amends TCA Title 4, Chapter 3, Part 7, by *Brooks, *Brown, *Armstrong, *Turner (Shelby), *Pruitt, *Bowers, *Langster, *DeBerry L., *Kernell, *Jones U (Shelby), *Towns, *DeBerry J., *Miller L. (*SB2431 by *Ford J)

Further consideration of House Bill No. 2664, previously considered on April 1, 1996, at which time it was re-referred to the Finance, Ways & Means Committee, and reset by the Committee on Calendar and Rules to today's Calendar.

TUESDAY, APRIL 23, 1996 -- EIGHTY- EIGHTH LEGISLATIVE DAY

Rep. Jones R (Shelby) moved that House Bill No. 2664 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2664 by deleting the following language from the amendatory language of Section 1:

On or before January 1, 1997, and each January 1 thereafter, the department of economic and community development shall inventory and shall compile

and by substituting instead the following:

On or before January 1, 1997, and each January 1 thereafter, working in conjunction with the local chamber of commerce the department of economic and community development shall compile and publish

AND FURTHER AMEND by adding the following sentence to the end of the amendatory language of Section 1:

Such catalog shall be used by the department and the local chamber of commerce to facilitate and encourage utilization of existing economic infrastructure through the marketing and development of inner-city industrial and commercial real property.

On motion, Amendment No. 1 was adopted.

Rep. McDaniel moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2664 by deleting the word "shall" every time it appears in the printed bill as amended and by substituting instead the word "may".

On motion, Amendment No. 2 was adopted.

Rep. Westmoreland moved that House Bill No. 2664 be re-referred to the Committee on Calendar and Rules.

Rep. Jones R (Shelby) moved that the motion to re-refer House Bill No. 2664 to the Committee on Calendar and Rules be tabled, which motion prevailed by the following vote:

Ayes.....	45
Noes	36

TUESDAY, APRIL 23, 1996 -- EIGHTY- EIGHTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Bell, Bowers, Bragg, Buck, Burchett, Byrd, Clabough, Cole (Carter), Cross, Curtiss, Davidson, DeBerry, L., Dunn, Fitzhugh, Ford, Fowlkes, Hargrove, Herron, Jones, S., Jones, U. (Shelby), Kent, Kerr, Kisber, Langster, McDaniel, McMillan, Miller, Napier, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson, Sharp, Stulce, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams (Williamson), Windle, Winningham -- 45.

Representatives voting no were: Beavers, Bird, Boyer, Brown, Callicott, Cantrell, Chumney, Cole (Dyer), Davis, DeBerry, J., Duer, Gunnels, Halteman Harwell, Hassell, Hicks, Huskey, Jackson, Jones, R. (Shelby), Joyce, Kernell, McAfee, McKee, Newton, Patton, Peach, Phelan, Pinion, Ramsey, Ritchie, Roach, Shirley, Stamps, Venable, Westmoreland, Williams (Union), Wood -- 36.

Rep. Purcell moved the previous question, which motion prevailed.

Rep. Jones R (Shelby) moved that **House Bill No. 2664**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	81
Noes	6
Present and not voting	1

Representatives voting aye were: Armstrong, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Ritchie, Roach, Robinson, Sharp, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Bird, Peach, Ramsey, Shirley, Stamps, Westmoreland -- 6.

Representatives present and not voting were: Callicott -- 1.

A motion to reconsider was tabled.

House Bill No. 3002 -- Limitation of Actions - Establishes three year statute of limitations from discovery and cause of injury for civil actions brought for sexual abuse occurring when injured party was minor. Amends TCA Title 28, Chapter 3, Part 1. by *Herron. (*SB2527 by *Haynes)

Rep. Herron moved that House Bill No(s). 3002 be reset to the Regular Calendar for April 25, 1996, which motion prevailed.

***House Bill No. 47 --** Criminal Offenses - Enacts "Money Laundering and Forfeiture Act of 1995." Amends TCA Title 40, Chapter 12. by *Herron, *Ridgeway, *Pinion, *Curtiss, *Fitzhugh, *McDonald, *West, *Shirley, *Haley, *Miller L, *Williams (Union), *Hassell, *Tindell, *DeBerry J, *Halteman Harwel, *Lewis, *Walley, *Byrd, *Ford S, *Buck. (SB379 by *Kyle)

Rep. Herron moved that House Bill No(s). 47 be reset to the Regular Calendar for April 25, 1996, which motion prevailed.

House Bill No. 745 -- Cosmetology - Revises certain provisions relative to training of cosmetologists licensed under Tennessee Cosmetology Act of 1986. Amends TCA Title 62, Chapter 4. by *Turner (Hamilton), *Stulce, *Cole (Dyer), *Phelan, *Rinks, *Odom, *DeBerry L. (*SB150 by *Crutchfield)

Rep. Turner(Hamilton) requested that House Bill No. 745 be moved to the heel of the Supplemental Regular Calendar.

House Bill No. 2830 -- Aged Persons - Reduces number of months for which court may appoint guardian for abused adult from six to three months; reduces subsequent extensions to three months. Amends TCA Title 4; Title 39, Chapter 3; Title 40, Chapter 35; Title 68, Chapter 11 and Title 71, Chapter 6. by *Armstrong, *Tindell, *Ritchie, *Brown. (*SB2250 by *Gilbert, *Person)

On motion, House Bill No. 2830 was made to conform with **Senate Bill No. 2250**; the Senate Bill was substituted for the House Bill.

Rep. Armstrong moved that Senate Bill No. 2250 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Armstrong moved that **Senate Bill No. 2250** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner

(Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 2250 and have this statement entered in the Journal: Rep(s). Arriola.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2314** -- TennCare - Requires TennCare Bureau to file report with general assembly containing data and statistics relative to health care provided to women Amends TCA Title 71, Chapter 5, Part 1. by *Chumney, *Brown, *Jones, S., *Brooks. (SB2454 by *Dixon, *Harper)

On motion, House Bill No. 2314 was made to conform with **Senate Bill No. 2454**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 2454 be passed on third and final consideration.

Rep. Rhinehart requested that Amendment No. 1 be moved to the heel of the Amendments.

Rep. Chumney moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2454 by deleting in its entirety all the language following the caption, and by substituting instead the following language:

WHEREAS, the treatment of the TennCare population has spurred the incorporation of Managed Care Organizations (MCO's); and

WHEREAS, prudent use of financial resources depends on making multiple choices available for patient therapies; and

WHEREAS, pharmaceuticals are crucial as preventive and cost-effective components of health care and offer potential savings in cures or treatments for many diseases and conditions; and

WHEREAS, it is desirable to ensure access to prescription medicines by patients whose care is provided by physicians through MCOs; and

WHEREAS, a competitive market should be preserved so that investment in research and scientific innovation continues; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The legislative oversight committee on TennCare is directed to conduct a totally independent study of the TennCare pharmacy program, including, but not limited to, the following questions:

- (1) What is the monitoring process to insure that pharmacy programs are carefully implemented and reimbursement arranged so that patient care is not disrupted?
- (2) Is the physician's judgment adequately recognized in insuring that patients receive medically necessary treatments?
- (3) Should new drugs and biologics be available and reimbursable initially in order to ascertain their ability to have an impact on the integrated costs of TennCare Services?
- (4) Are adequate disclosure measures in place to insure patients are informed about the scope of the pharmaceutical benefit and of any restrictions on that benefit?
- (5) By what method should the scientific and clinical integrity of health care decisions affecting TennCare enrollees be insured?
- (6) Through what process should TennCare enrollees have the opportunity to voice grievances and have access to an established process for appealing denials of care?
- (7) What safeguards are in place to insure the preservation of a competitive marketplace that will result in the continuation of critical medical research and development?

SECTION 2. The TennCare Bureau, the TennCare Pharmacy Board, the Department of Finance and Administration shall provide necessary assistance to the oversight committee on TennCare in conducting its study and the oversight committee is authorized to invite the participation of TennCare managed care organizations, TennCare providers, pharmacists, pharmaceutical manufacturers, and voluntary health associations

SECTION 3. The oversight committee on TennCare shall report its findings and recommendations no later than January 10, 1997, to the chairman of the senate general welfare, health and human resources committee, the chairman of the house health and human resources committee and the special joint committee to study women's health.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

TUESDAY, APRIL 23, 1996 -- EIGHTY- EIGHTH LEGISLATIVE DAY

On motion, Amendment No. 2 was adopted.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Chumney requested that Senate Bill No. 2454 be moved to the heel of the Supplemental Regular Calendar.

House Bill No. 2647 -- Professions and Occupations - Authorizes professional boards, commissions and licensing agencies to withhold licenses and license renewals if applicant in default on student loans. Amends TCA Title 62 and Title 63, Chapter 1. by *Cantrell, *Newton, *McKee, *Kerr, *Callicott, *Beavers, *Duer, *Whitson, *Clabough, *Stulce. (*SB2447 by *Miller J)

Rep. Cantrell moved that House Bill No. 2647 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 2647 by deleting from the amendatory language of Section 1 the language "licenses or".

AND FURTHER AMEND by deleting from the amendatory language of Section 2 the language "licenses or".

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2647 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The Supreme Court is encouraged to establish guidelines to suspend the license of an attorney who fails to comply with the provisions of this act.

On motion, Amendment No. 2 was adopted.

Rep. Cantrell moved that **House Bill No. 2647**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 90
Noes 1

Present and not voting..... 3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Kernell -- 1.

Representatives present and not voting were: Bowers, Miller, Towns -- 3.

A motion to reconsider was tabled.

***House Joint Resolution No. 448** -- General Assembly, Studies - Creates special joint committee to study community mental health agencies. by *Fitzhugh, *Rinks, *White, *Kent, *Cole (Dyer), *Kisber, *Ridgeway, *Phelan, *Cole (Carter), *Herron, *Walley, *McDaniel, *Peach, *West.

Rep. Fitzhugh moved that House Joint Resolution No. 448 be adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Joint Resolution No. 448 by deleting in its entirety all the language following the caption, and by substituting instead the following language:

WHEREAS, beginning in 1996, mental health and developmental services in Tennessee will be administered by TennCare Partners through contract with several statewide Behavioral Health Organizations (BHOs); and

WHEREAS, under TennCare Partners, the current fee-for-service reimbursement system will be replaced by a payment-per-person or capitated system; and

WHEREAS, Behavioral Health Organizations will receive a specific amount per patient to provide all needed services to people with chronic and severe mental illness; and

WHEREAS, the provision of appropriate services to chronically and/or severely mentally ill/retarded persons are of vital importance to the public

welfare, and this General Assembly should carefully examine the delivery of such services in Tennessee's health care system; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That there is hereby created a special joint committee to study the delivery of mental health services in Tennessee including the role of community mental health and development agencies.

BE IT FURTHER RESOLVED, That the special joint committee shall be composed of three (3) members of the House of Representatives and three (3) members of the Senate, to be appointed by the respective Speakers.

BE IT FURTHER RESOLVED, That all appropriate agencies of state government shall provide assistance to the special joint committee, upon the request of the chair.

BE IT FURTHER RESOLVED, That the special joint committee shall be convened by the member with the most years of continuous service in the General Assembly. At its first meeting, the special joint committee shall elect a chair, vice-chair and such other officers that the committee deems necessary.

BE IT FURTHER RESOLVED, That all legislative members of the special joint committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

BE IT FURTHER RESOLVED, That the special joint committee shall timely report its findings and recommendations, including any proposed legislation, to the One Hundredth General Assembly no later than February 1, 1997, at which time the committee shall cease to exist.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Joint Resolution No. 448 by deleting the caption and by substituting instead the following:

"A RESOLUTION to create certain study committees."

AND FURTHER AMEND by inserting the following designation immediately preceding the first preamble clause:

"PART I"

AND FURTHER AMEND by adding the following language:

*PART II

WHEREAS, the issues of child custody, divorce and child support are of vital concern to citizens throughout Tennessee and impacts the lives of countless children and parents daily; and

WHEREAS, legislation is pending before the Ninety-Ninth General Assembly on a number of issues relating to child custody, divorce and child support; and

WHEREAS, the interests of children must continue to be the paramount consideration in all of these matters; and

WHEREAS, these issues are also of vital concern to the judicial officials who must decide child custody, divorce and child support issues and they should be carefully and extensively studied by the members of this General Assembly; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That there is hereby created a special joint committee to study issues relating to child custody, divorce and child support.

BE IT FURTHER RESOLVED, That the committee shall consist of four (4) members of the House of Representatives and four (4) members of the Senate, to be appointed by the respective speakers. At least two (2) members from each body shall be a member of the Judiciary Committee of their respective body.

BE IT FURTHER RESOLVED, That all appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

BE IT FURTHER RESOLVED, That during the course of its deliberations, the special joint committee shall endeavor to provide a forum for organizations and groups which have particular interest in and knowledge of these issues and that such organizations and groups include but are not limited to: The Tennessee Judicial Conference, The Tennessee General Sessions Judges Conference, Dads Against Discrimination, The Tennessee Council of Juvenile and Family Court Judges and the Tennessee Bar Association.

BE IT FURTHER RESOLVED, That all legislative members of the special joint committee shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly and shall be paid as members of the General Assembly are paid for attending legislative meetings as provided in Tennessee Code Annotated, Section 3-1-106.

BE IT FURTHER RESOLVED, That the existing members of the committee shall continue to serve provided that such members have been duly elected to the General Assembly, and any vacancies which occur shall be filled by appointment of the Speaker of the House of Representatives or the Speaker of the Senate, as appropriate.

BE IT FURTHER RESOLVED, That the special joint committee shall be convened by the member with the most years of continuous service in the General Assembly and at its first meeting shall elect a chair, vice-chair, and any other officers the committee deems necessary.

BE IT FURTHER RESOLVED, That the special joint committee will report its findings and recommendations, including any legislation, to the One-Hundredth General Assembly on or before March 15, 1997."

On motion, Amendment No. 2 was adopted.

Rep. Fitzhugh moved that **House Joint Resolution No. 448**, as amended, be adopted, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 745 -- Cosmetology - Revises certain provisions relative to training of cosmetologists licensed under Tennessee Cosmetology Act of 1986. Amends TCA Title 62, Chapter 4. by *Turner (Hamilton), *Stulce, *Cole (Dyer), *Phelan, *Rinks, *Odom, *DeBerry L. (*SB150 by *Crutchfield)

Further consideration of House Bill No. 745, previously considered on today's Calendar.

Rep. DeBerry L moved that House Bill No. 745 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 745 by deleting Sections 3, 12, 18, 20, 21 and 25 from the printed bill in their entirety and by renumbering the remaining sections accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 745 by deleting Section 2 in its entirety, and by renumbering subsequent sections accordingly.

On motion, Amendment No. 2 was adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 745 by deleting Sections 4, 8, 19, 22, and 23 from the printed bill and by renumbering the remaining sections accordingly.

AND FURTHER AMEND by deleting in its entirety the amendatory language of Section 5 as numbered in the printed bill, and by substituting instead the following language:

() "Shampooing" means brushing, combing, shampooing, rinsing and conditioning upon the hair and scalp;

AND FURTHER AMEND by adding the following language as new, appropriately designated sections immediately preceding the effective date section, and by renumbering the effective date section accordingly:

SECTION _____. Tennessee Code Annotated, Section 62-4-102(a), is amended by adding the following language as new, appropriately numbered items:

() "Natural hair styling" means techniques which result in tension on hair strands such as twisting, wrapping, weaving, extending, locking, or braiding of the hair by hand or mechanical appliances, which work does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair. The techniques include providing or offering to the general public for compensation

any of the following services solely for development or improvement of physical qualities of the natural hair structure:

(A) Intertwining in a systematic motion to create patterns in a three-dimensional form.

(B) Inversion or outversion flat against the scalp along the part of a straight or curved row.

(C) Extension with natural or synthetic fibers.

() "Natural hair stylist" means a person licensed to practice natural hair styling.

SECTION _____. Tennessee Code Annotated, Section 62-4-110, is amended by adding the following new, appropriately designated subsection:

() Any person who desires a natural hair styling license shall submit an application for examination to the board on the prescribed form. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application/examination fee as set by the board; and

(2) Satisfactory proof that the applicant has attained the age of at least sixteen (16) years, and has completed and passed a course of instruction of not less than three hundred (300) hours in the practice and theory of natural hair styling at a school of cosmetology.

SECTION _____. Tennessee Code Annotated, Section 62-4-113(a), is amended by adding the language ", natural hair stylist" between the word "manicurist" and the word "or".

SECTION _____. Tennessee Code Annotated, Section 62-4-113(b), is amended by adding the language "natural hair stylist," between the language "manicurist," and the word "or".

SECTION _____. Tennessee Code Annotated, Section 62-4-115(2), is amended by adding the language "natural hair stylist," between the language "manicurist," and the word "or".

SECTION _____. Tennessee Code Annotated, Section 62-4-117(a), is amended by adding the language ", natural hair stylist" between the language "manicurist" and the word "and" wherever such words appear.

SECTION _____. Tennessee Code Annotated, Section 62-4-122, is amended by adding the following language as a new, appropriately designated subsection:

() A student may render natural hair styling services on patrons upon receiving at least one hundred (100) hours of instruction, and acquiring the requisite skill and knowledge. Students may render natural hair styling services only within a school while under the direct supervision of a licensed instructor.

SECTION _____. Tennessee Code Annotated, Section 62-4-125(d)(2), is amended by adding the language " or for any person, firm or corporation which holds a natural hair styling license to practice natural hair styling outside a shop or school," between the language "school," and the word "except".

AND FURTHER AMEND by deleting Section 11 as numbered in the printed bill in its entirety, and by substituting instead the following language:

SECTION 11. Tennessee Code Annotated, Title 62, Chapter 4, Part 1, is amended by adding a new, appropriately designated section thereto, as follows:

Section _____. Any person licensed under the provisions of this chapter, may retire such licensee's license by submitting a form prescribed by the board accompanied by the current active license, and a fee of ten dollars (\$10.00). Upon receipt of an acceptable application to retire the license, the board shall issue a retired inactive license certificate to the retiree. The holder of a retired license shall not be entitled to engage in the practice of any of the areas for which a license is issued under this chapter until the person's license is reactivated in a manner approved by the board.

AND FURTHER AMEND by deleting in its entirety the amendatory language of Section 29 as numbered in the printed bill, and by substituting instead the following language:

(4) The sale or distribution of wine, beer, liquor, or any alcoholic beverages or drugs on the premises of any cosmetology, manicuring, or aesthetics establishment is prohibited; however, wine, beer, liquor or alcoholic beverages may be served to a patron without a charge, but no such beverages shall be served to a patron who is intoxicated or believed to be intoxicated.

AND FURTHER AMEND by deleting in its entirety Section 28 as numbered in the printed bill, and by substituting instead the following language:

SECTION 28. Tennessee Code Annotated, Section 62-4-123, is amended by deleting the section in its entirety, and by substituting instead the following language:

A student shall have seven (7) years from the date the student originally enrolls in a school to complete the required courses and

number of hours required when the student originally enrolls. If the student fails to complete the course of instruction within such time period, the board may require the student to complete additional courses or attain additional number of hours prior to issuing a license to such person.

On motion, Amendment No. 3 was adopted.

Rep. DeBerry L moved that **House Bill No. 745**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	73
Noes.....	13
Present and not voting.....	8

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bowers, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Phelan, Phillips, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Roach, Robinson, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Williamson), Mr. Speaker Naifeh -- 73.

Representatives voting no were: Cross, Davidson, Herron, McAfee, Peach, Pinion, Ramsey, Ridgeway, Ritchie, Sharp, Whitson, Williams (Union), Wood -- 13.

Representatives present and not voting were: Beavers, Brooks, Brown, Buck, Lewis, Patton, Shirley, Windle -- 8.

A motion to reconsider was tabled.

Senate Bill No. 2454 -- TennCare - Requires TennCare Bureau to file report with general assembly containing data and statistics relative to health care provided to women Amends TCA Title 71, Chapter 5, Part 1. by *Dixon, *Harper. (*HB2314 by *Chumney, *Brown, *Jones, S., *Brooks)

Further consideration of Senate Bill No. 2454, previously considered on today's Calendar at which time the House substituted the Senate Bill for the House Bill, adopted Amendment No. 2 and withdrew Amendment No. 1.

Rep. Chumney moved that Senate Bill No. 2454, as amended, be passed on third and final consideration.

Rep. Chumney moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 2454 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The TennCare Bureau shall file a report at least annually setting forth data and statistics relative to health care provided to women. The report shall include data regarding women's health and prenatal care as follows: (1) data provided to HCFA; (2) data collected by the Tennessee Department of Health re: live births and deaths sorted by MCO; (3) data provided by MCO's to the TennCare Bureau and the Tennessee Department of Health; (4) EQRO reports provided to the TennCare Bureau.

The report shall further include the number of women who received health care through the TennCare program, the type of care delivered, including the incidence of each type of care, the number of visits made to physician's offices as well as hospital admissions, evaluation of outcome data, and other information which would be useful to the General Assembly in evaluating the manner in which health care is provided through the TennCare program to women.

Section _____. The TennCare Bureau and the Tennessee Department of Health shall develop data measures to assess the effectiveness of presumptive eligibility, the distribution of providers for each MCO for TennCare enrollees within each CHA region, and the incidences of early prenatal care for TennCare recipients. The MCO's shall be required to report regularly to the TennCare Bureau using the data measures developed pursuant to this section.

Section _____. The reports required by this act shall be provided to the TennCare Oversight Committee, the Speakers of each House, the Select Committee on Children and Youth, and the Special Joint Committee to Study Women's Health. The first annual report shall be due by December 1, 1997.

On motion, Amendment No. 3 was adopted.

Rep. Churnney moved that **Senate Bill No. 2454**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Churnney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis,

TUESDAY, APRIL 23, 1996 -- EIGHTY- EIGHTH LEGISLATIVE DAY

McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Williams(Union), **House Bill No. 3259** was withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 626: Rep(s). Chumney as prime sponsor(s).

House Bill No. 2283: Rep(s). Bowers, Jones R (Shelby), Jones U (Shelby), DeBerry L, Brooks, Towns, Kent, Turner (Shelby) as prime sponsor(s).

House Bill No. 2372: Rep(s). Williams(Williamson) as prime sponsor(s).

House Bill No. 2575: Rep(s). Turner(Hamilton), Williams(Williamson), Fitzhugh, Dunn, Kisber and White as prime sponsor(s).

REPORT OF CHIEF ENGROSSING CLERK

April 23, 1996

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 549, 876, 1167, 1316, 2114, 2221, 2244, 2275, 2342, 2607, 2654, 2763, 2778, 3264, 3282, 3288, 3289, 3290, 3291, 3293, 3296, 3297, 3298, 3302, 3303 and 3304; also, House Joint Resolution(s) No(s). 497, 527, 529, 534, 535, 538, 543, 545, 546, 547, 548, 549, 550, 553, 554, 555, 556, 557, 558, 559, 560, 562, 563, 564, 566, 567, 568 and 569.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 23, 1996

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 497, 527, 529, 534, 535, 538, 543, 545, 546, 547, 548, 549, 550, 553, 554, 555, 556, 557, 558, 559, 560, 562, 563, 564, 566, 567, 568 and 569, with his approval.

HARDY MAYS, Counsel to the Governor.

ENGROSSED BILLS

April 23, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 406, 462, 503, 508, 513, 525, 590, 591, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619 and 620.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

April 23, 1996

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 77, 342, 1876, 1973, 1982, 2017, 2076, 2077, 2101, 2188, 2192, 2212, 2287, 2326, 2330, 2422, 2423, 2454, 2481, 2584, 2789, 2910, 2980, 3060, 3173 and 3179; House Joint Resolution(s) No(s). 431, 469 and 571; also, House Resolution(s) No(s). 231, 232, 233, 234, 236, 238, 239, 240, 241 and 242.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 23, 1996

The Speaker signed the following: House Bill(s) No(s). 77, 342, 1876, 1973, 1982, 2017, 2076, 2077, 2101, 2188, 2192, 2212, 2287, 2326, 2330, 2422, 2423, 2454, 2481, 2584, 2789, 2910, 2980, 3060, 3173 and 3179; also, House Joint Resolution(s) No(s). 431, 469 and 571 also, House Resolution(s) No(s). 231, 232, 233, 234, 236, 238, 239, 240, 241 and 242.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 23, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 177, 379, 1862, 1980, 2143, 2289, 2364, 2445, 2484, 2611, 2712, 2755, 2937, 2943, 2946, 3008, 3082, 3138, 3185, 3221, 3285, 3309, 3310, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3322, 3324, 3327, 3328, 3329 and 3330.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 23, 1996

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 745, 2575, 2647, 2664, 2670, 2731, 2758, 2776, 2895 and 2914; also, House Joint Resolution(s) No(s). 621, 622, 623, 624 and 625.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 23, 1996

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2022, 3081, 3283, and 3284, with his approval.

HARDY MAYS, Counsel to the Governor.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, April 25, 1996.